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INDIA'S STRUGGLE FOR FREEDOM

SELECT DOCUMENTS AND SOURCES

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Selected, Annotated, Classified and Edited by

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Dedicated

To those martyrs who

Died unknown in the cause of

India's struggle for freedom

ACKNOWLEDGEMENTS

I am deeply grateful to all those statesmen, politicians, scholars and social reformers from whose speeches and writings I have quoted freely in this study. Since some Government documents included in this book are also included in a few publications of this nature* and to whom, for the benefit of research workers, I have referred to now and then in the footnotes, I thank their authors, compilers, editors, co-editors and publishers. My thanks are also due to various Political and Semi-political parties, some Manifestoes, Resolutions and Policy Statements of which I have included in this publication. To the Navajivan Trust, Ahmedabad, I am thankful for granting me permission to quote freely from Mahatma Gandhi's speeches and writings.

* Bibliography appears on P. XVI—XIX

PREFACE

Dr. Jagdish Saran Sharma has, indeed, done very valuable work in compiling selected documents and sources relating to India's Struggle for Freedom. His earlier publications connected with Mahatma Gandhi, Shri Jawaharlal Nehru and the Indian National Congress have received well-deserved appreciation not only in India but in foreign countries as well.

In the present volume, Dr. Sharma has not only collected selected documents on Constitutional Reforms but also on the social, educational, economic and political aspects of the national liberation movement in India. It includes references to all the important persons, places, subjects and events intimately connected with the History of Freedom Movement during the last one hundred years. I have no doubt that the wealth of varied material collected in this publication will be of immense use to scholars and research workers in the sphere of Politics, Economics, Sociology and Education in this country as well as abroad.

I have been impressed by the objectivity of approach with which the author has dealt with historical events and personalities. The volume includes documents representing the point of views of the Indian National Congress as well as other political parties in the country. Old records indicating the views of the British Government on various aspects of the National Movement also find a place in the Bibliography. I would like to congratulate Dr. Sharma on the hard work which he has put in over a number of years in bringing out this precious publication.

Shriman Narayan

INTRODUCTION

At the present time, when humanity stands almost on the brink of a precipice, and when one wrong movement can tumble down all our mighty structure of civilisation, India's great experiment in non-violence assumes great significance because it is solving such problems as foreign imperialism, racial or colour conflicts, economic backwardness, and even cultural decadence with minimum conflicts.

Indeed this experiment has evoked worldwide interest and a number of statesmen and scholars continue to look at it for inspiration. But, so far, the lack of an adequate and up-to-date documentation on the subject has prevented a fuller utilisation of this experiment. I have intended this study to fill in the lacuna.

In this study, I don't claim to any originality, a number of attempts have already been made in this direction. They are :

1. Keith, A. Berriedale. Speeches and Documents on Indian policy, 1750-1912—2 vols. London, Oxford University Press, 1922.
2. Mukherji, Panchanandas. Indian Constitutional Documents (1773-1915). Calcutta, Thacker Spink & Co., 1915.
3. Majumdar, J.K. Indian Speeches and Documents on British Rule, 1821-1918. Calcutta, Longmans, Green and Co., Ltd., 1937.
4. Banerjee, A.C. Constituent Assembly of India. Calcutta, A. Mukherjee, 1947. xviii., 350p.
5. Banerjee, Anil Chandra. Indian Constitutional Documents, 1757-1939. Calcutta, A. Mukherjee and Co., 1948. 3 Vols.
6. Banerjee, A.C. The Making of the Indian Constitution, 1939-1947. Calcutta, A. Mukherjee and Co., 1948. Vol. I.
7. Gwyer, *Sir* Maurice and Appadorai, A. Speeches and Documents on the Indian Constitution. 1921-47. London, Oxford University Press, 1957.
8. Poplai, S.L. India 1947-50. Internal Affairs. New Delhi, Indian Council of World Affairs, 1959. Vol. I, Lii, 672p.

As should be clear from the titles the primary aim of these publications is to trace the origin and development of the constitutional reforms in India from 1767 to 1950. It is true that the history of India's Struggle for Independence centres around these constitutional reforms. But this struggle for freedom is only one aspect of the great Indian renaissance. In the present work, along with select

documents, on the constitutional reforms, I have also classified in chronological order available material on the social, educational, political and economic aspects of the National Movement under 36 Main Subject-Headings. To enable easy consultation, under each important Subject-Heading, I have given a short summary of the available material.

At the end of the study, I have given a comprehensive index compiled on Dictionary Catalogue method, which is the key to the entire study. The index includes references to all names of persons, and places, subjects, events, subject-headings used, cross references, authors, compilers, titles of books and other related information appearing in the text. References from the text are made by the page number. It is because of the classified approach and these additional features that this study differs from the previous attempts. Besides, *See* and *See also* Cross References are given to connect similar subjects together.

I certainly do not claim to have included in this study all the documents, speeches, letters etc. that are available on India's Struggle for Independence but I do claim that because of my long experience of working on works like *Mahatma Gandhi : A Descriptive Bibliography* ; *Jawaharlal Nehru : A Descriptive Bibliography* ; *Indian National Congress : A Descriptive Bibliography* ; *A.-I.C.C. Circulars : A Descriptive Bibliography*, and my study of the original materials in the A.-I.C.C. Library, New Delhi, where I served as Librarian and Research Officer for some time, I have included in the present work all the important documents relevant for research on various aspects of India's Struggle for Independence.

In the preparation of this work, I have tried to be as objective as possible. The study includes not only the material relating to the Indian National Congress which spearheaded the Freedom Struggle, but also the point of views of other political parties such as Muslim League, Hindu Maha Sabha, Communist Party, Socialist Party, Swaraj Party, Liberal Party, Forward Bloc, and others. Naturally, the number of documents in the form of resolutions, speeches and circulars relating to the Indian National Congress is comparatively greater, but the important resolutions and speeches of other parties on any particular event have been given due prominence. To enable the readers to have a complete view of the problems facing the Indian politicians, I have also included the material emanating from the British Government and others who opposed the national movement.

Arrangement.

VOLUME I

The documents have been classified under the following main subject headings.

1. **Agriculture and Land Reforms.**
2. **Arms Act.**
3. **Bengal, Partition Of.**
4. **Civil Disobedience Movements I-IX.**
   - (*a*) *Satyagraha in South Africa, 1906-1913.*
   - (*b*) *Champaran Satyagraha, 1917.*
   - (*c*) *Kheda or Kaira Satyagraha, 1918.*
   - (*d*) *Rowlatt Act Satyagraha, 1919.*
   - (*e*) *Non-violent Non-co-operation, August 1, 1920.*
   - (*f*) *Salt Satyagraha (or Dandi March, March 12, 1930).*
   - (*g*) *Non-violent Non-co-operation, December 31, 1931-34.*
   - (*h*) *Individual Satyagralha, October, 1941.*
   - (*i*) *"Quit India" Movement, August 9, 1942.*
5. **Commerce and Industry.**
6. **Communalism.**
7. **Constitutional Reforms.**
   (From 1767 to 1950)
   - I. 1765—1884
   - II. 1885—1919
   - III. 1920—1935
   - IV. 1936—1941
   - V. 1942—1947 (14th August)
   - VI. 1947 (15th August)—26th January, 1950.
8. **Constructive Programme :** (Mahatma Gandhi's 18-point programme which includes removal of illiteracy, untouchability, etc.)
9. **Defence.**

VOLUME II

10. **Economic Conditions And Planning.**
11. **Educational Reforms.**
12. **Famines.**
13. **Foreign Relations (General)**
    - ——— *Baluchistan*
    - ——— *Burma*
    - ——— *Ceylon*
    - ——— *Commonwealth*
    - ——— *East Africa*

Foreign Relations *France*
——— *Goa*
——— *Indonesia*
——— *Italy*
——— *Korea*
——— *Malaya*
——— *North-West Frontier*
——— *Pakistan*
——— *South Africa*
——— *Tibet*
——— *Tunisia*
——— *United Nations*
——— *U.S.A.*
——— *U.S.S.R.*
——— *Waziristan*

14. **Independence Pledge.**
15. **Independence, Suppression Of.**
16. **"India"** (Official Organ of the British Committee of the Indian National Congress.)
17. **Indian Civil Service.**
18. **Indian Medical Service.**
19. **Indian Military Service.**
20. **Indian National Army (I.N.A.)**
21. **Jallianwala Bagh Tragedy.**
22. **Judiciary.**
23. **Khilafat Movement.**
24. **Labour and Labour Classes.**
25. **Minorities.**
26. **National Integration.**
27. **Pakistan and Partition.**
28. **Political and Semi-Political Parties.**
    (*i*) *Akali Dal*
    (*ii*) *All India States' People Conference*
    (*iii*) *Bhartiya Jan Sangh*
    (*iv*) *Chamber of Princes*
    (*v*) *Communist Party of India*
    (*vi*) *Congress Democratic Party*
    (*vii*) *Forward Bloc*
    (*viii*) *Hindu Maha Sabha*
    (*ix*) *Indian National Congress*
    (*x*) *Muslim League*
    (*xi*) *National Liberal Federation*
    (*xii*) *Praja Socialist Party* (*P.S.P.*)

(*xiii*) *Radical Democratic Party*
(*xiv*) *Radical Socialist Party*
(*xv*) *Responsive Co-operative Party*
(*xvi*) *Revolutionary Socialist Party*
(*xvii*) *Socialist Party*
(*xviii*) *Swatantra Party*
(*xix*) *Swarajya Party*

29. **Politics and Government.**
30. **Press Repression.**
31. **Princes and their States.**
32. **Round Table Conference.**
33. **Taxation.**
34. **Village Uplift.**
35. **World War I.**
36. **World War II.**

Under each Subject-Heading Documents are arranged Chronologically. *See* and *See also* Cross References are given to link together likely subjects.

References to original sources from which the documents have been derived are provided alongwith their full bibliographical details so that scholars may be able to quote the original sources directly. These references appear either under each document or as foot-notes. The examples of such references are given below :

Text :

(*a*) "...That the question of the introduction of a Permanent Settlement of the Land Revenue Demand into the Madras and Bombay Presidencies and other Provinces be referred to the several standing Congress Committees, with instructions to report upon the same, in so far as it affects their respective circles, to the Congress of 1899" *4 : 1888 : Allahabad : XIV.*

The interpretation of the reference given at the end of the above document is that this resolution was passed in the Fourth Session of the Indian National Congress held at Allahabad in 1888. The number of the resolution that appears in the original proceedings of the session is the fourteenth. In order to furnish these references, I had to read each document from its original source.

(*b*) Some resolutions and speeches especially in the case of the Indian National Congress, are also available in the form of books. In such cases along with the original sources even secondary sources are also given. They appear in the foot-notes as under :

Summary of the A.-I.C.C. meeting held in Allahabad on March 21, 1930. Also in :

The Indian National Congress, 1930-34 (Being the resolutions passed by the Congress, the All India Congress Committee and the Working Committee during period between January 1930 and September 1934). Some important statements and other documents of the period are also given. Allahabad, All India Congress Committee, 1930.

(*c*) In few cases especially under the Subject-Heading **"Constitutional Reforms",** it is noticed that a particular document is available in various books which are so far published on this subject. To guide research scholars to the original sources of the documents, references, arranged chronologically are given as footnotes.

Example :

"East India Company Act (24 Geo. IIIs. 2c 25)" *Keith*, A.B. *Speeches and Documents on Indian Policy.* 1750-1921. London, Humphrey Milford, Oxford University Press, 1922.
Vol. I, p. 95-114.

Also in

Mukherji, P. *Indian Constitutional Documents. 1773-1915.* Calcutta, Thacker Spink & Co., 1915. p. 9-27.

Banerjee, Anil Chandra. *Indian Constitutional Documents,* 1757-1938 2nd ed., Calcutta, A. Mukherjee & Co., 1948 p. 65-84.

(*d*) In case of the documents which were first reported in Journals and Newspapers, only the authentic sources such as "*Indian Annual Register, Harijan, The Congress Bulletin* etc. are referred to.

(*e*) All reasonable efforts have been made to refer to the sources where the reports of various commissions were originally published. Their secondary sources are frequently quoted because they are easily available to scholars in various important Libraries all over the world.

The nature of the materials this study includes is : resolutions passed and manifestoes adopted by the various political parties, speeches delivered by the officers of these parties and the officials of the British Government. It also includes text of various acts, bills, officials' orders, correspondence and comments on political issues by eminent authors and leaders.

Special attention has been paid to include documents relating to the British Proposals after 1941 representing views of the British

Government, the Indian National Congress, the Muslim League, the Hindu Mahasabha, Forward Bloc and other political parties. This has been done to present to readers all the actors and the parts played by them in the drama of India's Struggle for Independence.

Every attempt has been made during the course of this study to be as objective as possible but if this study proves to be of some use to scholars and others interested in the Indian Movement, I shall feel duly rewarded for my labour spread over the last eight years. I shall also be indebted to any one who may help me to correct information given here or to make good any omissions in subsequent editions.

I express my profound gratitude to Shri U. N. Dhebar and Shri Shriman Narayan, who in 1955 inspired me to take up a National Project of this nature. To Shri Shrimanji, I am also indebted for a valuable "Preface" to this study.

I owe a special debt of gratitude to Dr. A. C. Joshi, Vice-Chancellor, Panjab University, without whose unstinted help and blessings it would have been impossible for me to complete this study and present it to readers in the printed form.

To Shri Joginder Singh Ramdev, and Shri Madan G. Sharma, I am thankful for their voluntary assistance now and then in the preparation of the manuscript of this publication in their leisure time. I also thank Shri Shyamlal Gupta, Proprietor, M/s. S. Chand & Co. for undertaking for publishing such an ambitious project.

Chandigarh, 24th May 1962. JAGDISH SARAN SHARMA

SOURCES CONSULTED

FOR VOL. I.

A.I.C.C. Economic Review, New Delhi.

All Parties National Convention : Proceedings. Allahabad, All Parties National Convention, 1929.

Banerjee, A.C. : *Constituent Assembly of India* Calcutta, A. Mukerjee, 1947, *XVIII*, p. 350.

——— *Indian Constitutional Documents*, 1757-1939. Calcutta, A. Mukerjee, & Co., 1948, 3 Vols.

——— *The Making of Indian Constitution* 1939-47, Calcutta, A. Mukerjee & Co., 1948.

Banerjee, *Sir* S. : *A Nation in Making*. Madras, Oxford University Press, 1925, XV, p. 419

Basu, Durga Dass : *Commentary on the Constitution of India*. Calcutta, S.C. Sarkar & Co., 1956.

Besant, Annie : *How India Wrought for Freedom*. Madras, Theosophical Publishing House, 1951, LIX, 705 p.

Congress Bulletin, New Delhi.

Congress Presidential Addresses. Madras, G.A. Natesen & Co., 1934, 2 Vols.

Coupland, *Sir* R. : *The Indian Problem*, 1883-1935 : Report on Constitutional Problems in India submitted to fellows of Nuffield College, Oxford. Oxford University Press, 1942.

Diwakar, R.R. : *Satyagraha* : *The Power of Truth*. Hinsdale Illinois, Henry Regnery, 1948, XXII, 108p.

Debates on Indian Affairs : House of Commons, 1921, p. 34-35.

Gandhi-Jinnah Talks. New Delhi, *The Hindustan Times*, 1944.

Gandhi, M.K. : *Correspondence with Mr. Gandhi*, Aug. 1942-April, 1944. Delhi, the Manager of Publications, 1944, p. 125

——— *To the Protagonists of Pakistan*, Karachi. T.T. Hingorani, 1947.

Gazette of India (*different years*)

Gazette of India (Extraordinary) (*different years*)

Govt. of India Act, 1919.

Govt. of India Act, 1935.

Gwyer, *Sir* Maurice and Appadorai : *Speeches and Documents on Indian Constitution* 1921-47, London, Oxford Univ. Press, 1957.

India Government *Ministry of Law* : "The India Code," Delhi, Manager of Publications, 1955, Vol. I.

Harijan, Ahmedabad : A Weekly (different volumes)

Indian Annual Register, Calcutta (different volumes)

Indian Franchise Committee Report, 1919.

Indian Legislative Rules.

Indian National Congress : *Collection of Resolutions of Congress, 1920-1923*, Allahabad, A.-I.C.C. 1924, 315 p.

——— *Library : New Delhi*, All India Congress Committee, New Delhi.

——— *Report of General Secretaries*, 1917-62.

——— *Resolutions*. Allahabad, A.-I.C.C. 1935, p. 221.

——— *Resolutions from 1924-40*, A.-I.C.C. Library, New Delhi, Vol. I.

——— *Resolutions, 1930-34*. Allahabad, A.-I.C.C., 1935, vi, p. 221.

——— *Report of Annual Sessions of the Indian National Congress from 1885-1962*.

——— *Resolutions 1936-37*. Allahabad, A.-I.C.C., 1938.

——— *Resolutions 1940-46*, New Delhi A.-I.C.C., 1946.

——— *Resolutions on Economic Policy and Programme, 1924-54*. New Delhi, A.-I.C.C., 1954.

——— *Why the Constructive Programme : Selections from writings and utterances of Gandhi*, New Delhi, A.-I.C.C., 1948.

Indian Round Table Conference, *Proceedings*.

Indian Statutory Commission Report, 1930.

India Unreconciled. *New Delhi, The Hindustan Times*, 1944.

Jinnah, M.A. : *Some Recent Speeches and Writings of Mr. Jinnah* Lahore, Sh. M. Ashraf, 1943.

Keith, A.B.—*Speeches and Documents on Indian Policy* 1750-1912, 2 Vols.

Legislative Assembly, Debates. (*different years*)

Linlithgow, *Marquis of*, *Speeches and Statements* 1936-43. New Delhi, Public Information Govt. Bureau, 1944.

Lumby, E.W.R : *The Transfer of Power in India.* London, Allen, 1954.

Majumdar, A.C. : *Indian National Evolution.* Madras, G.A. Natesan, 1915.

Majumdar, J.K. : *Indian Speeches and Documents on British Rule* 1821-1918, Calcutta, Longmans, 1937, XX. p. 186

Mehta, A. : *The Communal Triangle in India.* Allahabad, 1942.

Montague-Chelmsford Report.

Montague, E.S. : *Speeches on Indian Questions.*, Madras, Natesan & Co., 1917, p. 319.

Mukerjee, P. : *Indian Constitutional Documents*, 1773-1915, Calcutta. Thacker Spink & Co., 1915.

Nehru, Jawaharlal : *The Discovery of India.* Calcutta, Signet Press, 1946, XII, p. 514.

Pal Bipinchandera, *Swadeshi and Swaraj.* Calcutta, Yugayatri Prakashan, 1954.

Parliamentary Debates (Commons) (*different years*)

Parliamentary Debates (Lords) (*different years*)

Poplai, S.L. : *India*, 1947-50, New Delhi, I.C.W.A., 1959, p. 672.

Prasad, R. : *India, Divided.* Bombay, Hind Kitabs, 1946, XI, p. 396.

Ram Gopal : *Indian Muslims*, 1858-1947, Bombay, Asia Publishing House, 1959, XII, p. 351.

Report of Commissioners appointed by Pb. Sub-Committee of Indian National Congress, Lahore K. Santhanam, 1920.

Report of Committee on Franchise and Committee on Divisions of Functions, 1919.

Report of Congress Agrarian Reforms Committee, New Delhi, A.I.C.C., 1951, p. 206.

Report of Financial Relations Committee, 1920.

Report of the Indian Central Committee, 1929.

Report of Joint Committee on Indian Constitutional Reforms, 1933-34.

Report of Reform Enquiry Committee, 1924.

Report of Royal Commission of Agriculture.

Reports of Annual Sessions of Indian National Congress, 1885-1962.

Ronaldshy, Earl of, *Life of Curzon*, London 1928, p. 424.

Sharma, Jagdish Saran : *A.-I.C.C. Circulars : A Descriptive Bibliography*. New Delhi, A.-I.C.C., 1956, 44p.

——— *Indian National Congress : A Descriptive Bibliography*, New Delhi, S. Chand & Co., 1959, p. 816.

Jawaharlal Nehru : A Descriptive Bibliography. Delhi, S. Chand & Co., 1955, XVI, p. 421.

——— *Mahatma Gandhi : A Descriptive Bibliography* Delhi, S. Chand & Co., 1955, XXXI, p. 565.

——— *Vinoba & Bhoodan : A Descriptive Bibliography*. New Delhi, A-I.C.C., 1956, VII, 92.

Singh, G.N. : *Landmarks in Indian Constitutional and National Development*, Delhi, Atma Ram & Sons, 1950.

Sitaramayya, P. : *The History of Indian National Congress*, 1935-46, 2 Vols.

Suresh Ram : *Vinoba and his Mission*. Banaras, A.B.S.S., 1954, XIV, 541 p.

Tendulkar, D. : *Life of Mohandass Karamchand Gandhi*, 1951-54, 8 Vols.

Young India ; A Weekly in English, 1919-33.

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**The abbreviation of this nature indicates that this resolution was passed in the 4th Annual Session of the Indian National Congress which met at Allahabad, in 1888. The resolution No. is XIV.*

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CHAPTER I

AGRICULTURE AND LAND REFORMS

Note.—India primarily is an agricultural country. About 80 per cent of its population is engaged in agricultural work. The economic condition of majority of these people before India's Independence, was pitiable. They were oppressed by the tyranny of feudal Land Lords who were the main supporters of the British Government. The Congress which identified itself with the cause of the down-trodden, and oppressed people could not but help thinking for the betterment of the agriculturists. It repeatedly resolved to eradicate poverty, unemployment and indebtedness of the peasantry which later became the main force in order to drive away the Britishers from our land. It passed resolutions from its very inception to its 66th Session (Bhavnagar, 6th January, 1931) all of which advocated the improvement of the economic conditions of the people.

The first move towards the improvement of the peasants was made in the 9th session of the Congress in 1893 at Amritsar where the Congress demanded "for the introduction of the Permanent Settlement of Land Revenue". The second step in this direction was taken in its Lucknow session held in 1899 when it protested against "the introduction into the Supreme Legislative Council of a Bill to amend the Law relating to agricultural land in the Punjab, with a view to restrict alienation of land as proposed in the Bill by sale or mortgage, which is calculated (*i*) to decrease the credit of the agriculturists and land-holders, (*ii*) to make them more resourceless on account of their inability to meet the ever-increasing State demands upon their land."

In 1901, at the seventeenth session held in Calcutta, the Congress appealed to the Government "to bestow its first and undivided attention upon the department of agriculture and adopt all those measures for its improvement and development which have made America, Russia, Holland, Belgium and several other countries so successful in that direction."

As early as in 1904 the Congress felt the necessity of fixation of land revenue as one of the remedies of removing poverty from the country. At its twenty-first session held in Banaras in 1905 the Congress was of the opinion that the prosperity of an agricultural country like India cannot be secured with a definite limitation of the State demand on land, such as was proposed by Lord Canning in 1862 or by Lord Ripon in 1882. It further regretted that "Lord Curzon in his land resolution of 1902 failed to recognise any such limitation and declined to accept the suggestions of the Right Hon'ble Sir Richard Gorth and other memorialists in the matter. The Congress holds that a reasonable and definite limitation in the State demand and not the restriction of tenants' rights, such as has found favour, in recent years, is the true remedy for the growing impoverishment of the agricultural population."

In 1931 the Congress was convinced that "in order to end the exploitation of the masses political freedom must include real economic freedom of the starving millions." The Congress, therefore, decided at the 45th session of the Congress held in Karachi in 1931, "that any constitution which may be

agreed to on its behalf should provide, or enable the Swaraj Government to place before the masses its declaration on "Fundamental Rights and Economic Programme". Under Item No. 10 of this programme, as adopted in the Karachi session, the Congress proposed "Substantial reduction in agricultural rent or revenue paid by the peasantry and in case of uneconomic holdings, exemption from rent for such period may be necessary, relief being given to small Zamindars wherever necessary by reason of such reduction."

At the Lucknow session in 1936, the Congress again felt "that the most important and urgent problem of the country is the appalling poverty, and unemployment and indebtedness of the peasantry fundamentally due to antiquated and repressive land tenure and revenue systems and intensified in recent years by the great slump in prices of agricultural produce. The final solution of the problem inevitably involves the removal of British Imperialistic exploitation, a thorough change of the land tenure and revenue systems and a recognition by the State of its duty to provide work for the rural unemployed masses." In continuation of its plan the Congress at its Faizpore session in 1936 adopted a 13-point Agrarian programme.

With a view to drawing up the Economic Programme for the Congress election manifesto, the Congress appointed a Committee on December 19, 1945 consisting of the following :

(1) Pandit Jawaharlal Nehru, (2) Maulana Abul Kalam Azad, (3) Shri Jai Parkash Narain ; (4) Prof. N.G. Ranga ; (5) Shri Gulzarilal Nanda ; (6) Shri J.C. Kumarappa ; (7) Shri Achyut Patwardhan ; (8) Shri Shankarrao Deo.

Among the twenty recommendations made by the Committee the most important are : (1) Elimination of intermediaries between the tiller and the State ; (2) Maintenance of equitable exchange relations between agricultural and non-agricultural products ; (3) Establisment of Multi-purpose Cooperative Society to make available the individual peasant the implements such as manure, seeds and bullocks ; (4) Investment by the State in non-recurring permanent land improvement, like anti-erosion, irrigation and drainage measures ; (5) Adoption of the Wardha Education system with agriculture as the basic craft ; (6) Provision for refresher courses to Kisan Youths ; (7) Organisation of pilot schemes for experimenting cooperative farming ; (8) Organisation of Cooperative stock breeding and cattle maintenance stations, (9) Organisation of Agriculture and Cooperation Information Services ; (10) Organisation of Cooperative Multi-purpose Enterprises and their Union ; (11) Use of land as a source of employment ; (12) Fixation of the maximum size of holding (13) Development of river-valley projects in order to supply electricity and water to the rural areas ; (14) Organisation of Statutory Village Panchayats ; (15) Enforcement of progressive taxation on agricultural income in place of present land revenue system ; (16) Organisation of Agricultural Finance Corporations by the State ; (17) Establishment of mutual Cooperation between landless and landholding peasants ; (18) Relief of indebtedness of agricultural labour.

India having achieved political independence, the Congress at its AICC meeting held in November 1947 laid down its future programme for economic emancipation of India. Defining the objectives of its 'Economic Programme', it resolved : "Our aim should be to evolve a political system which will combine efficiency of administration with individual liberty, and an economic structure which will yield maximum production without the creation of

private monopolies and the concentration of wealth which will create proper balance between urban and rural economies. Such a social structure can provide an alternative to the acquisitive economy of private capitalism and the regimentation of a Totalitarian State."

Dr. Rajendra Prasad the then Congress President appointed in December 1947 an "Agrarian Reforms Committee" with Shri J.C. Kumarappa as its Chairman. The Committee submitted its report in July, 1949 making its recommendations on (*i*) Land Reforms ; (*ii*) Pattern of Agrarian Economy ; (*iii*) Size of holdings ; (*iv*) Economic holdings ; (*v*) Basic holdings ; (*vi*) Optimum holdings ; (*vii*) Modes of farming ; (*viii*) Rights in Land ; (*ix*) Land Management ; (*x*) Agricultural Indebtedness—Rural Finance and Marketing ; (*xi*) Agricultural Labour ; (*xii*) Agricultural Price ; (*xiii*) Agricultural statistics ; (*xiv*) and Rural welfare.

After the submission of the above recommendations the next step the Congress took in this connection was calling by the Congress President, Dr. P. Sitaramaya in April 1950, a Conference of the Chief Ministers of the States and PCC Presidents in Delhi to formulate an economic programme for the country and to devise the best methods to implement the programme. Some of the measures recommended by the Conference include : "reclamation of land, offering of incentives and assistance for the diversion of land from other crops to the cultivation of cotton and jute, and improving the yield and quality of agricultural produce."

In the A.I.C.C. meeting held in July 1954 in Ajmer the Congress reviewed its achievements towards its efforts in the field of Agriculture and Land Reforms. It resolved : ".....Considerable progress has been made in the abolition of Zamindari and Jagirdari and like systems. But much remains to be done in order to ensure social justice and, at the same time, to help in the economic development of the country. While in a large number of States intermediaries have been eliminated, this has not necessarily resulted in the tiller owning the land. As conditions differ in various States, a uniform approach is not feasible, but the general principles and objective should apply to all parts of the country. The process of eliminating the intermediaries must be completed all over India without delay."

Under the First Five Year Plan the Government made tremendous progress in implementing the Agrarian Reforms. In its 60th session held in Avadi on January 21 to 23, 1955 the Congress endorsed the Agrarian Programme of the Government of India and welcomed its decision of accelerating the pace of land reforms and implementing the recommendations of the Planning Commission in this connection by means of a phased programme. In the Gauhati session held in January 1958 the Congress resolved "that the actual tiller of the land should be brought into direct relationship with the State and the intermediary interests should be eliminated. Further, there should be a maximum limit for the size of the holding under personal cultivation. In the period of transition the tenant should have full security and should receive a fair deal,"

The Congress in its Nagpur session held in January 1959 while considering the Report of the Agricultural Production Sub-Committee, recorded its general approval of the Report and endorsed the recommendations made therein. Indeed it was a revolutionary step towards the betterment of agricultural conditions and land reforms. The Congress resolved :

"(1) The organisation of the village should be based on village panchayats and village cooperatives, both of which should have adequate powers and resources to discharge the functions allotted to them. A number of village cooperatives may form themselves into a Union. All permanent residents of the village, whether owning land or not, should be eligible for membership of the village cooperative which should promote the welfare of its members by introducing progressive farming methods and improved techniques of cultivation, developing animal husbandry and fishery and encouraging cottage industries".

"(2) The future agrarian pattern should be that of cooperative joint farming, in which the land will be pooled for joint cultivation, the farmers continuing to retain their property rights, and getting a share from the net produce in proportion to their land. Further, those who actually work on the land. whether they own the land or not, will get a chance in proportion to the work put in by them on the joint farm,"

"(3) In order to remove uncertainty regarding land reforms and give stability to the farmer, ceilings should be fixed on existing and future holdings and legislation to this effect, as well as for the abolition of intermediaries should be completed in all States by the end of 1959. This does not mean any ceiling on income, as it is expected that by intensive cultivation as well as by additional occupations rural incomes will rise. Such surplus land should vest in the panchayats and should be managed through cooperatives consisting of landless labourers."

"(4) With a view to assuring of fair return to the tiller, a minimum or floor price should be fixed reasonably in advance of the sowing season with respect to each crop and arrangements should be made to purchase directly, whenever necessary, the crop produced."

"(5) The introduction of State trading in wholesale trade in foodgrains is welcomed and should be fully given effect to."

"(6) Every effort should be made to bring the uncultivated and waste land into cultivation. The Central Government should appoint a Committee to devise suitable measures for the cultivation of this land."

"The Congress trusts that the steps indicated above will be taken by the Central and State Governments at an early stage; and that the Congress organisation, in cooperation with others, will help in every way to mobilize mass enthusiasm and arouse initiative and a spirit of self-help in the millions of farmers in the country."*

Text :—

"That the question of the introduction of a Permanent Settlement of the Land Revenue demand into the Madras and Bombay Presidencies and other Provinces be referred to the several Standing Congress Committees, with instructions to report upon the same, in

* Resolution No. 4 : Indian National Congress 64th Session, Nagpur 1959 Resolution, A.I.C.C. New Delhi pp. 7-9.

so far as it affects their respective circles, to the Congress of 1882."

4 : 1888 : Allahabad : XIV.

* * *

"...that the Government be urged to take the subject of a Permanent Settlement once more under consideration in view to practical action thereon, so that fixity and permanency may be given to the Government Land Revenue demand without further delay, at any rate in all fully populated and well cultivated tracts of the country."

5 : 1889 : Bombay : VII.

* * *

"That having reference to the expectations created throughout the country by the Despatch of Her Majesty's Secretary of State in 1862, the principles of which were re-affirmed in a subsequent despatch of 1865, promising the extension of a Permanent Settlement to all temporarily settled tracts in which certain conditions have long sin ce been fulfilled, this Congress respectfully submits that the Government of India is now in honour bound to take up this question of Permanent Settlement, without further delay, in view to practical action thereon so that fixity and permanency may be given to the Government Revenue demand, as promised by Her Majesty's Secretary of State more than a quarter of century ago."

6 : 1890 : Calcutta : VI.

* * *

"That this Congress emphatically re-affirms Resolution III of the Congress of 1891, and having regard to the fact that fully fifty millions of the population, a number yearly increasing are dragging out a miserable existence on the verge of starvation, and that in every decade several millions actually perish by starvation, deems it imperatively necessary that the cost of administration, especially in the military branch of the Public Service, should be greatly reduced, and that measures should at once be taken to give, as was promised by the British Government over thirty years ago, fixity and permanence to the land to develop the agriculture of the country which, under the existing system of temporary settlements, in recent times often lasting for short periods, in some cases only extending to ten and twelve years, is found to be impossible ; and to establish Agricultural Banks. And this Congress, again most earnestly entreats the people of Great Britain and Ireland, not to permit any further sacrifice of life owing to the shortcomings of existing, doubtless well-intentioned, but nonetheless unsatisfactory, administration, but to insist, and, that speedily, on the reforms, then and now, so earnestly advocated."

8 : 1892 : Allahabad : IX.

* * *

"...That this Congress having on many previous occasions urged on the Government of India the necessity for giving, as was promised by the British Government over thirty years ago fixity and permanence to the Land Revenue demand, wherever this has not already been conceded, desires now to reiterate emphatically this recommendation and to call attention to the profound alarm which has been created by the action of Government in interfering with the existing Permanent Settlement in Bengal and Behar (In the matter of the survey of the other cesses) and with the terms of the *sanads* of the permanently settled estates in Madras, and deeming such tampering with solemn public pledges, no matter under what pretences a national calamity, hereby pledges itself to oppose, in all possible legitimate ways, any and all such reactionary attacks on permanent settlements and their holders." *9 : 1893 : Lahore : X.*

* * *

"That this Congress regrets extremely that the Government of India have not only failed to carry out the pledges for a permanent settlement in the Provinces in which it does not exist (Given by the Secretary of State in his despatches of 1862 and 1865) but have also failed to give effect to the policy of granting a modified fixity of tenure and immunity from enhancements, laid down in 1882 and 1884 by the Government of India and approved by the Secretary of The State."[1] *9 : 1893 : Amritsar : XI.*

"(*a*) That this Congress desires to express the profound alarm which has been created by the action of Government in interfering with the existing Permanent Settlement in Bengal and Behar (in the matter of Survey and other cesses) and with the terms of *sanads* of permanently settled estates in Madras ; and, deeming such interference with solemn pledges a national calamity, hereby pledges itself to oppose in all possible legitimate ways all such reactionary attacks on

1. "By the settlement of 1882 the system of giving a fixed grant was abolished and the provincial governments were assigned certain sources of revenue and a share from certain other sources of revenue. The sources of revenue were divided into three classes:—Imperial, Provincial and Divided. The revenue from provincial heads was placed wholly at the disposal of the Provincial Governments, that from the divided heads, was shared, mostly in equal portions, between the Provincial and the Imperial Governments ; and the revenue derived from imperial heads was to be utilized to meet central expenditure with the exception that the deficiency in provincial income was to be made good by giving a fixed percentage on the land revenue, which was among the imperial heads.....And, to put an end to uncertainty, the Resolution of 1882 introduced the system of quinquennial settlements. The resolution also defined the financial relation of the Imperial and Provincial Governments in respect of extraordinary charges for war and famine"—Singh, G. N. *Landmarks in Indian Constitutional and National Development.* Delhi, Atma Ram & Sons, 1959, Vol. I p. 101—102.

permanent settlements and their holders, and resolves to petition Parliament in that behalf.

(*b*) That this Congress regrets extremely that the Government of India have not only failed to carry out the pledges (given by the Secretary of State in his despatches of 1862 and 1865) for permanent settlement in the Provinces in which it does not exist, but have also failed to give effect to the policy of granting modified fixity of tenure and immunity from enhancements laid down in 1832 and 1884 by the Government of India and approved by the Secretary of State ; and this Congress hereby entreats the Government of India to grant a modified fixity of tenure and immunity from enhancement of land tax for a sufficiently long period of not less than sixty years so as to secure to land-holders the full benefits of their own improvements.[1]

10 : 1894 : Madras : II.

* * *

"That, in the opinion of this Congress, any proposal to restrict the right of private alienation of lands by legislation as a remedy for the relief of agricultural indebtedness will be a most retrograde measure, and will, in its distance consequence, not only check improvement but reduce the agricultural population to a condition of still greater helplessness. The indebtedness of the agriculturist classes arises partly from their ignorance and partly from the application of a too rigid system of fixed revenue assessments which takes little account of the fluctuating conditions of agriculture in many parts of India and the true remedy must be sought in the spread of general education and relaxation of the rigidity of the present system of revenue collections in those parts of the country where the permanent settlement does not obtain.

XIV. Resolved—that this Congress expresses its firm conviction that in the interests of the country it is absolutely necessary that there should be greater fixity in the tenure on which land is held in the temporarily settled districts than exists at present, and that Government should impose on its own action restrictions against enhancement or assessment similar to those which it has deemed necessary in the interests of tenants to impose upon the rights of private landlords in permanently settled estates."

11 : 1895 Poona : X.

* * *

1. The resolution No. XI passed at the Amritsar Congress in 1893 and esolution are practically the same.

"That this Congress enters its emphatic protest against the policy of government in provinces where the Settlement of Land Revenue is periodical, to reduce the duration of the Settlement of shorter periods than had been the case till now, and prays that the Settlement should be guaranteed for long periods, at least for sixty years." *12 : 1896 : Calcutta : XVII.*

* * *

"That this Congress enters its emphatic protest against the Policy of Government in Provinces where the settlement of land revenue is periodical in reducing the duration of the settlement while enhancing its amount, and expresses its firm conviction that in the interests of the country, it is absolutely necessary that the land revenue in such Provinces should be permanently settled."
13 : 1897 : Amraoti : VII.

* * *

"...(*a*) That this Congress regrets the introduction into the Supreme Legislative Council of a Bill to amend the Law relating to agricultural land in the Punjab, with a view to restrict alienation of land as proposed in the bill by sale or mortgage, which is calculated (1) to decrease the credit of the agriculturists and landholders : (2) to make them more resourceless on account of their inability to meet the ever increasing State demands upon their land and this Congress is of opinion that the provision to give retrospective effect to the Bill is inequitable and unfair.

(*b*) That this Congress recommends that real relief be afforded to the cultivating classes in the following way : that where the Government is the rent-receiver, the rule proposed in 1882, prohibiting any advancement except on the ground of rise in prices, be enforced and that where private landlords are the rent-receivers, some provision to prohibit undue enhancement of rent be made.

(*c*) This Congress further resolved that a Committee consisting of the President, Mr. Jaishi Ram, Mr. N. Gupta, Mr. Wacha, Munshi Madho Lal, Mr. Mudholkar and Mr. Ikbal Shanker be appointed and empowered to submit a representation to the Government, pointing out the unsuitable nature of many of the provisions of the Bill."
15 : 1899 : Lucknow : II.

* * *

"That while thanking the Government of India for its intention to investigate the question of the incidence and pressure of the land assessment as affecting the well-being and resources of the agricultural population, the Congress respectfully, urges upon the Government the desirability of including within the scope of the contemplated

investigation the question of periodical settlement of assessments and the necessity repeatedly pointed out by the Congress of making it permanent. This Congress further prays that the Government of India may be pleased to publish the opinions invited from Local Governments and administrations, on the subject referred to in para 4 of the Resolution of the Government of India (Revenue and Agricultural Department) published in the *Gazette of India* dated 22nd December 1900, and allow the public an opportunity to make their representations thereon before the Government decides whether further investigation is necessary or not in the terms of the said Resolution."

16 : 1900 : Lahore : XXIV

* * *

"(*a*) That in view of the fact that it is agriculture alone that enables the vast masses of people in the various provinces of India to maintain themselves and in view of the excessive cost of British rule, this Congress is of opinion that the Government should be pleased to bestow its first and undivided attention upon the department of agriculture and adopt all those measures for its improvement and development which have made America, Russia, Holland, Belgium and several other countries so successful in that direction.

(*b*) That this Congress begs to draw the special attention of the Government to the recommendations of Dr. Voelcker who was sent out to India in 1889 to enquire into the condition of Indian agriculture and prays that early effect be given to the same.

(*c*) That this Congress further prays that the Government would be pleased to establish a large number of experimental farms all over the country as well as scholarships to enable Indian students to proceed to foreign countries for the purpose of learning the methods of improving and developing agricultural resources which are in vogue in those countries."

17 : 1901 : Calcutta : XV.

* * *

"That this Congress views with alarm the tendency to increase the land revenue assessment every time there is a revision, and declares its firm conviction that the policy of raising the assessment so frequently and so heavily is increasing the poverty of the agricultural population of this country and rendering them still further unfit to withstand the periodical vicissitations of bad seasons and famines than they are now. This Congress, therefore, prays that the permanent settlement be extended to such parts of the country as are now ripe for it, as laid down in the Secretary of State for India's despatches

of 1862 and 1867 on the subject ; and that settlements for longer periods be made, and judicial and legislative restrictions on over-assessments be imposed in those parts of India where Government may still deem it inadvisable to extend the Permanent Settlement."

19 : 1903 : Madras : III

* * *

"That this Congrees is of opinion that the prosperity of an agricultural country like India cannot be secured without a definite limitation of the State demand on land, such as was proposed by Lord Canning in 1862 or by Lord Ripon in 1882 and it regrets that Lord Curzon in his Land Resolution of 1902, failed to recognise the necessity of any such limitation and declined to accept the suggestions of Sir Richard Garth and other memorialists in the matter. The Congress holds that a reasonable and definite limitation of the State demand is the true remedy for the growing impoverishment of the agricultural population.

This Congress respectfully protests against the view that the Land Revenue in India is not a tax, but is in the nature of rent."

22 : 1906 : Bhawanipuri : XIV.

* * *

"That having regard to the grave dissatisfaction caused by the operation of the Land Alienation and allied acts among large sections of the community in the Punjab and elsewhere, this Congress is of opinion that the time has arrived for working of the laws restricting alienation of land in provinces where such laws are in operation ; and urges Government to appoint a mixed Commission of officials and representative non-official Indians to institute an enquiry, in order to ascertain whether the legislation has really benefited the interest of agriculture and of the class intended to be benefited by it, and whether it has given rise in actual operation to anomalies, hardships and disabilities, calculated to injure the growth and prospects of the agricultural industry, and cause discontent among any particular class or section of the Community."

24 : 1909 : Lahore : XII.

* * *

"A reasonable and definite limitation to the State demand on land and the introduction of a permanent settlement or a settlement for a period of not less than 60 years in those provinces where short periodical settlements or revisions prevail, are, in the opinion of the Congress, the only means of ameliorating the present unsatisfactory condition of the agricultural population."

25 : 1910 : Allahabad : XXIII.

"That a reasonable and definite limitation to the demand of the state on Land and the introduction of a permanent Settlement directly between the Government and holders of land in ryotwari areas, or a settlement for a period of not less than 60 years in those Provinces where short periodical settlements or revisions prevail, will, in the opinion of this Congress, substantially help in ameliorating the present unsatisfactory condition of the agricultural population."

26 : 1911 : Calcutta : XI.

* * *

"That this Congress is strongly of opinion that a reasonable and definite limitation to the demand of the state on land and the introduction of a parmanent Settlement directly between Government and land-holders in ryotwari areas, or a settlement for a period of not less than 60 years in those provinces where shorter periodical settlements on revision prevail will substantially help in ameliorating the present unsatisfactory condition of the Agricultural Population."

28 : 1913 : Karachi : IX.

* * *

"That this Congress is strongly of opinion that a reasonable and definite limitation to the demand of the State on land and the introduction of a permanent Settlement directly between the Government and land-holders in ryotwari areas, or a settlement for a period of not less than 60 years in those Provinces where shorter periodical settlements on revision prevail, will substantially help in ameliorating the present unsatisfactory condition of the agricultural population." [1]

29 : 1914 : Madras : XVII.

* * *

INDIAN LAND POLICY[2]

"I am painfully aware that I ought to begin by saying first, that India is a very large land, or rather subcontinent sheltering some 317,000,000 souls of every language, race, and creed ; secondly, that the problems of its administration are a sealed book to all but the expert and that the experts learn by long experience that nothing is to be learned about India. Thirdly, that of all administrative problems that of the land is the one which is sealed with seventy

1. Language of Resolution No. IX passed at the Karachi Congress and the Madras Congress is practically the same.

2. *Speeches on Indian Questions* by Rt. Hon. Mr. Montagu. Madras, G.A. Natesan and Co. 1915, p.261-286. Mr. Montagu delivered this speech on the "Agrarian Policy of India" at a dinner arranged in his honour at the Liberal Colonial Club, London, on February 19,1914.

times seven seals. Yet I am tempted to leave out for once in a way the time-honoured warning. There are of course great and essential differences between the land systems in India and those to which we are accustomed ; and we can best clear the ground by fiscing them in our minds at the outset when once the ground is cleared, we shall be ready, I hope, to see what are the positive lessons which India has to teach us.

In India you find the state inheriting the immemorial claim of the ruler to a part of the proceeds of land cultivation. The Moghul Emperors to whom we succeeded interpreted their claim in a spirit of Eastern magnificence ; they fixed one-third of the gross produce as a fair share for the ruler to take. It is hardly necessary to say that the British Government has been a great deal more modest ; but it has accepted the principle, and continues to hold the position of premier partner in the land ; that is to say, in by far the greatest and most permanent source of livelihood in the country. It is impossible to define this feature of Oriental Sovereignty in the precise terms of Western economics. Perhaps it will be enough to say, very generally, that the land revenue taken by the state in India is something more than a tax, because the revenue collecting authorities undertake at the same time a number of paternal duties more or less like those of beneficent lord of the manor ; and it is something less than a rent, because the State has recognised or even created individual proprietorships in land, while reserving its right to revenue from the areas so assigned. It will not at any rate, I think, interfere with the plan of this paper if I am allowed, like Dr. Johnson when he was pressed for exact details concerning the life hereafter, to "leave the subject in obscurity." The practical points to remember are that the claim to land revenue is readily accepted by the people whose traditions it follows ; that it provides, with a minimum chance for oppression on the one hand or for evasion on the other, a stable contribution amounting usually to no less than two-fifths, (20,000,000 sterling) of the net revenues of Government ; and that is practically the only impost of any importance that is paid by the agricultural classes which form something like two-third on the entire population of India, and whose income, so far as it comes from agriculture is exempt from any form of income-tax.

DOMINANT POWER

My first point, then is that the state in India is a dominant power in land administration, with powers of control that so far we have hardly dared to contemplate in this country. My second point is that underneath the state, with its functions of superior landlord, the grouping of the agricultural classes, as we shall see, is peculiar.

Where there are landlords below the state, competition for the land in India, as in Ireland, has squeezed the tenant a good deal more than it had in England ; there is no distinct labouring classes underneath, as we know it to form an economic back-ground on which the pressure can be conveniently, if perhaps immorally, worked off. The Indian tenant or cultivator is a small man holding we might say a five acre plot. We can return to this point later in discussing tenant law and practice in India. In the meantime it will be useful to begin with a description of the way in which the claim to land revenue is enforced, in order to form an idea of the basis on which the land system is worked.

In assessing and collecting the land revenue, the Government has to deal with a number of classes of landholders. To avoid the complication of using Indian names, I will try to define the members of the hierarchy in my own terms, always on the understanding the definition in English phraseology is an elusive matter. At the head is the State as superior landlord levying revenue which, if paid to a private individual would be called rent. Below the State there are two main divisions, of landholders. In the one you find landlords, who may either be individuals, representing for the most part of the successors of the great contractors to whom revenues were framed out in pre-British days, or landlord communities letting their common holding. They differ of course from British landlords as we know them in that their right to the possession of the soil is qualified by the revenue claims of Government. Below these are tenants, paying rent to their landlords but not directly to the State. The second main division consists of petty occupants or peasant proprietors who hold their lands under the State without an intermediary in the shape of landlord, and consequently pay revenue direct to the State. Although many of them are practically established as landowners, they are allowed as classes the right of escaping the whole or any part of the revenue liability by relinquishing the whole or any part of their holdings, in fact, they are to the State as the average tenant is to the average landlord in England. I propose to refer to the two divisions as landlords and cultivators respectively. In the one division the tenants, and in the other the Cultivators, usually till the soil themselves, though occasionally with the aid of labourers whose wages are paid in kind.

The general principle of revenue assessment in the landlord areas is that the State is entitled to a share of the net assets of the landlords, which are taken to represent the rents received *plus* the rental value of the lands occupied of the landlords themselves. The basis of assessment is naturally the rent roll supplemented or checked

where necessary by direct valuation of the output of the soil. The proportion of the net assets claimed by the Government usually varies somewhere between 45 and 55 per cent ; in fact, a share of one-half may be taken as a fair index, though not by any means as a positive rele. I would like to quote at this point two principles laid down in a comprehensive statement of the Government's land revenue policy issued in 1932. They are as follows :—

(1) That in areas where the State receives its land revenue from landlords, progressive moderation is the key-note of the policy of Government, and that the standard of 50 per cent of the assets is more often most uniformly observed in practice and is more often departed from on the side of deficiency than of excess.

(2) That in the same areas the State has not objected, and does not hesitate, to interfere by legislation to protect the interests of the tenants against oppression at the hands of the landlords.

The first of these allows free scope for elastic treatment where it is called for ; the second shows that the Government rejects the short sighted policy of acquiescing in a high scale of rents merely for the sake of the extra revenue that could be assessed thereon. To turn to the cultivated areas, the State takes a varying proportion—usually a good deal less than one-half of what is known as the net produce of the land ; that is to say, gross profits, *minus* the cost of cultivation. It will be noticed that revenue is assessed on the actual cultivator's and on rental profits alone where the state deals with the landlord. This is explained by the fact that in the cultivated areas the state itself stands in the relation of landlord to the cultivator, so that the revenue in this case corresponds more directly to rent. I may mention by the way that in the great cultivated tracts of Bombay, the system is peculiar in that revenue is assessed on a system of classifying the fields according to their probable fertility, and not one of valuation of the net produce of the land.

REVISION OF ASSESSMENT

Continual re-assessment on these lines from year to year would of course be a hopelessly cumbrous and harassing procedure. In nearly every province there is a periodical revision of the revenue demand, known as a settlement, which is undertaken once in a cycle varying from 20 to 30 years, and the amount then assessed holds good for the term of the settlement, subject to such minor adjustments or remissions as special circumstances in each year may make advisable. There is, however, a very important exception to the system of recurring assessment, or temporary settlement, as it is known, which is not a little instructive in its working. In the last

quarter of the eighteenth century, at a time when administrators were under the conviction that the best way of securing prosperity on the land was to free the hands of the landlords as far as possible, the revenue payable in certain landlords areas was declared to be permanently settled, and the Government definitely abrogated from that date any claim to share in the increased profits that were sure to come with the rise in the value of the properties. Consequently, in the greater part of Bengal, in some of the districts of Benares to the west and the parts of the Madras Presidency to the south, there has been no revision of assessment for something like a century, while the value of the land has risen greatly in direct consequence of State activity in maintaining security and providing trade facilities by the construction of railways and other means of communication. The result is that the land revenue received by the state over the whole province of permanently settled Bengal is somewhat less than one-fourth of the lands. It is, I think, generally recognised that the conviction on which the system of permanent settlement was based was over sanguine.

The general level of prosperity in these areas is no higher than in the temporarily settled tracts; the tenants are by no means underrented nor are the estates better run; indeed, the main result seems to have been a process of sub-letting carried almost ad infinitum, with its train of monopoly, profits, absentee landlordism and inefficient or exacting management. The Government of India have profited by their experience. They have intervented in the permanently settled areas, so far as is compatible with their pledges, to safeguard the rights of tenants ; and they have retained throughout the greater part of India their controlling authority by the simple means of revising their revenue demand periodically, with all the activities which accompany the process, as we shall see. But the permanent settlement may help us, I think, to realise the disadvantages of landlord endowment on an extensive scale. We can leave out of account the loss of the unearned increment which the state has established the right to share in other parts of India. That, no doubt, is a peculiar feature of the Indian land system. But apart from this, the facts have shown that you can not increase prosperity on the land by giving permanent relief to any one class unless you extend the relief to those who work below the privileged class. We hear a good deal just now of the panacea of the State-aided land purchase for the tenant. So long as the tenant stands at the bottom of the scale of cultivators, the road is safe ; but it is safe only so long as you work upwards from the lowest class to the highest. In England the foundation of

agriculture is the labour ; and if the foundation is neglected it only over-weighs the structure and then you have only to strengthen the joists. It is a noteworthy fact that when the Government in India has had to deal with properties that have come into its direct possession—properties that often lay within permanently settled areas it has departed from the earlier policy of disposing of them to private landlords and has put them into the hands of men of the cultivator class, for the reason that the agriculturists could be better protected. The principle of working upwards from the foundation of one that we shall meet again in the Indian land administration.

SYSTEM IN VILLAGES

The work of assessment in the temporarily settled areas is of course a very intricate affair, with wide differences of practice in the several provinces. Our chief interest to night, I think, will naturally be with the landlord areas of Northern India and we might perhaps look at the work as it is done in a single province by way of illustration, and correct one-sided impressions so far as we can by reference to other provinces with different methods. I would like to begin with the Punjab, a province for the most part under the ownership of joint village landlords or proprietor communities. These may be called, if you like, yeoman farmers. The method of assessment may, of course, vary in details almost from district to district within the province ; but a summary of a few typical features may help to give a working idea of the process on which land administration ultimately rests. The unit dealt with is the village, that is, the communal group with the area covered by its holdings. Each village has its patwari or village accountant to act as intermediary between the people and the representatives of government. An exact record is kept in his charge, and continually corrected up-to-date giving the entire history of each plot of land in the area, with not only the full terms of ownership and tenancy, but a complete account of its crop possibilities and the particular advantages or drawbacks under which it is worked. To ensure accuracy, the patwari, accompanied by the tenant or owner, who is bound under penalty to go with him on his round, inspects each field twice a year, and records the condition of the spring and autumn crops, whether the field is used for fallow-land, pasture, fodder, millet, wheat, sugar-cane and so forth.

The account is based on a more or less scientific system of survey, and the result is the building up a record which for accuracy and minuteness ought to satisfy the most hardened administrator. It is not easy to draw a picture vivid enough to make an impression in England of all that this annual verification

of agricultural records means. The accuracy of the village maps is tested again and again; indeed, I was told very early in my connection with India that a man who thoroughly understood and appreciated the patwaris maps and books understood India, and nothing I have seen so convinced me of the paternity of Indian Government and the confidence of Indian people as the testing by an Assistant Collector of these records.

Flat, and of course hedgeless, fields, separated usually only by the little mud dams which coax the irrigation water in the most desirable direction; the sharply defined, glaring, baked mud walls of the village; the crowd of patient, interested cultivators; the hordes of little children, and the heavy manures dumped on the field. And then, all the machinery of the survey; the rough cross stick for ready surveying the only instrument; the books in which are recorded the owners, the tenants, the mortgages, the sales, the leases and the condition and nature of crops on each field in the village; the patwari, the kanungo, the tahsildar, the Assistant Collector all eager to see that measurements are true, that records are accurate, and all taking the opprotunity of discovering for the opportunity is unique—the daily life, the calamities, the good fortunes, of the people concerned. Here is a system, which does not permit any ignorance of the owner of the land nor does it allow profit to escape just taxation, or hardship to fail of beneficent easement. Remove it, and it seems to me that you leave tenant at the mercy of landlord, labourer at the mercy of tenant, the governing classes as uninterested and inquisitorial busy-bodies, and the police the only source of information between villager and the man in charge.

The next step in assessment is that a number of villages under similar conditions as regards soil, watersupply, trade facilities, and so on, is grouped into a larger division known as a circle, for the purpose of broadening the basis on which the calculations are made; and the average of landlords rents are taken for a period of 20 to 30 years, corresponding to the term of the settlement, as to cover any changes in the condition of tenure during the period. If, as is generally the case in the Punjab, the land is held by the proprietors themselves as co-sharers in the proprietary body, or if the rents are paid, as often happens, in produce, arrival at the revenue estimate is a complicated process. The average yield of each crop is found by experimental cutting and threshing, and the value of the yield by reference to the published market prices. From the result is deduced a cash equivalent for the rents paid in the circle, and this in turn gives a theoretical estimate, on the 50 per cent basis, of the total revenue that is due to Government. In the same way,

the ratios are determined in which different kinds of land ought to pay according to their relative advantages of soil and position ; for instance, if it is found that the value of the output on land irrigated from a canal is twice that of the output on land which is watered by a tank or well; the assessment on the former will be two to one, as compared with that on the latter. With all the varieties of land roughly classified in the village records, it becomes a fairly easy matter to adjust the circle rate of assessment to the different village areas, so that an estimate still of a theoretical kind is reached of the amount of revenue due from each village. Where the rents are paid in cash and not in produce the work of assessment is of course a good deal simpler, although even here recourse may be had to the method of direct valuation in order to check the result.

TEST OF REVENUE OFFICER

But, in a sense, the real work of assessment begins instead of ending at this point. It is now the business of the Settlement Officer who is usually a member of the Indian Civil Service in the charge of the operations to see that the theoretical rates do not in effect fall too heavily, or it may be too lightly on the areas under his supervision. In dealing with each village he has to take into account all the factors, such as the level of prosperity, means of communication, mortality rates, whether the inhabitants are by nature good or bad cultivators, everything in fact which calls for elasticity in making the actual revenue demand ; and the final result is usually reached after full and probably prolonged discussion with the village representatives. It is in the right appraisement of these governing details that man in charge of the work proves himself to be a capable revenue officer. There are two points I might bring forward at this stage as possible subjects of interest for discussion. One is whether the risk of duplication work in assessment the double valuation first of natural or artificial advantages and then of the actual output might not be more completely avoided by some system standardising the valuation rates of assessment, and thereafter varying the revenue demand according to changes in local circumstances, such as the rise in food prices, the improvement of communications, and so on. Such a system is already used to some degree in Madras, and might perhaps be extended with advantage elsewhere. The second point, I think, is one of rather more general interest. You will notice that each individual liable for revenue has to pay the proportion demanded in his locality according to the nature of his holding if this would happen to amount, say, to one-fifth of the net profits of cultivation, the big man pays 20 per out of 100 and small man pays one rupee out of five. We are getting accustomed to recognise that the hard-

ship in the latter case is a good deal greater than in the former. Allowances are made, it is true, for the small man in India, not it is done at the discretion of the revenue officers, and not by any uniform principle and one is tempted to wonder whether it would be possible to apply a graduated scale of assessment instead. There is, of course, the theoretical objection that such a measure would promptly label land revenue as a tax. But I cannot help thinking that the Government of India's record shows that it is strong enough to look this difficulty boldly in the face and pass it by.

To turn from these points to noteworthy differences in practice elsewhere, it may be remarked that the principles of survey, record, and valuation are common ground. In Oudh, however, where landowning is often on the grand scale, and where revenue is assessed on the aggregate of the sums received by a single landlord as rent from a number of villages forming his state, attention is paid more to actual rents than to general rates of rent that ought to apply to soils. In the Central Provinces, there is an ingenious system in force by which the value of the different soils is reduced to a common denominator, and the proper rentscales determined thereby for purposes of revenue assessment. We can deal more conveniently with the peculiar features of this system when we turn to matters of tenancy practice.

In the great cultivated areas, as for instance in Madras and Bombay, the task is a little simpler. In dealing with the actual occupant of each field, there is no need to do more than value and assess the field correctly; the determination for rights of tenure, and the distribution of assessment over the property group as undertaken in the Punjab drops out. In Southern India we find villages arranged in groups, corresponding to the Punjab circles, but a broad division is observed according as the land depends for its water supply on irrigation, or on rainfall supplemented by wells. Assessment of course is based on an exhaustive scrutiny of the possibilities of the various soils.

Before I leave the subject of revenue rights of assessment, I should add that the revenue claim is held to extend, to urban areas as well as to other. In a resolution of 1879, it is stated that the Governor-General in Council is aware of no reason why land revenue should not be levied upon lands attached to private residences or covered with buildings as much upon arable or pasture lands. In general, land that is cultivated for profit in these areas is assessed ordinarily on a share of the produce; land used for private amenities or other like purposes is assessed according to the usual rate for the description of soil, although there are provisions making for leniency in dealing with this kind of property. It is

interesting to find that in the United Provinces there are rules under which areas covered by groves are exempt from revenue payment unless and until the groves are cut down. Lands taken up by a municipality for public purposes are generally speaking exempt, unless they are devoted to objects, such as establishment of markets, from which income is raised. I do not think it is necessary to deal with local rates or cesses, except to say that they are usually levied on the basis of revenue assessment unless in particular cases they take special forms.

PREMIER PARTNER IN LAND

If I may try to sum up in the broadest terms the feature of the ground we have so far covered, I would repeat that the Government of India has succeeded to the position of premier partner in the land, with not only the right but the corresponding duties of that position. I have shown how, in the areas under a temporary settlement, it has been able to take in the form of revenue a large of the unearned increment of the land; this is, of course, devoted to public purposes, the benefit of which is ultimately shared by the agriculturists. But the State's concern for subordinate interest is shown directly as well as indirectly. There is, for instance, a general practice of ensuring that favour shown to the landlord by way of reduction or remission of revenue in a bad season shall be passed on in some degree to the tenant in the matter of rent. There is, too a special circumstance which has led the Government of India, to quote the words of Sir J. Bampfylde Fuller, "to intervene and to use its proper functions of controlling and moderating the struggle for life". By the moderation of its assessment the British Government has raised the selling value of landlords estate from next to nothing to over 300 million sterling, says the same authority; and the result has been a strengthening of the power of the landlords and a weakening of the poorer cultivators which has been met with fearless and sometimes drastic treatment. We are told now and then that the Government of India contents itself with the function of looking after the interests of those who have either fallen from a higher estate or have enjoyed the protection of preceding rulers, or for other reasons have historical claims upon the State. This may have been the case in the early days of British rule, but the facts show that since then the Government has moved step-by-step in the direction of what we should call benevolent interference. Nowhere is this better exemplified than in the system of tenant law and practice for which I should now like to ask your patience.

I will take first as an illustratien the policy that has been followed in Bengal and in Arga. Two classe f tenants among others

were found ; those who represented the old land holders, and those whose position was really, though perhaps not demonstrably, due to contract. The first of these clearly had theoretical claims to preferential treatment, but great difficulty was found in drawing a working distinction between the two. The difficulty was summarily met by enacting that, where any tenant had continuously held that same land for twelve years he should be regarded as a privileged or occupancy tenant, endowed with a hereditary right and secured against rack-renting and arbitrary eviction. Landlord found it easy to forestall the acquision of occupancy tenant right, either by evicting and reinstating the tenant or by inducing him to change some part of holding before the twelve years ran out. These devices were met later by specific checks in the case of Agra and by an enactment in Bengal that the tenant need merely prove that he had held land in his village for twelve years continuously. In the Punjab, the Central Provinces, and Oudh, it was an easier matter to distinguish a class of privileged land holders, who were recognised as sub-proprietors to their landlords, and there was consequently the less need in theory to extend the protection of Government indiscriminately to all classes of tenants. Even so the Oudh Rent Act of 1886 gives certain privileges to all tenants in the matter of seven years term without ejectment or further enhancement. In the Central Provinces individual landlordships were created at one time for special reasons by grant of Government, and as a set-off the State has exercised itself even more directly than elsewhere to maintain the rights of the tenants. At the time of the Settlement the revenue officer does not stop short at comparing the rent rolls with the result of valuation ; he is empowered by law to fix for a term of years the actual rents payable by the tenants to the landlord, in order to ensure that the general incidence of rent, and with that of every revenue may as far as possible be equal. It will not be out of place to mention an interesting episode that occurred in the Central Provinces before power was taken to fix rent under law. At a time when the wheat export trade was expanding the landlords took to demanding their rents in grain control of the produce of the tenant class that was unprotected by law. When revenue came to be assessed on the rent rolls as they stood, the landlords complained that these were fictitiously high, whereupon the Government offered to reduce its revenue demands on condition that rents were lowered to a realisable standard and fresh leases were issued. Since then as we have seen, the State has intervened by direct legislation and there has been the less need to rely on the check of revenue assessment. That is to say, the State has tended to emphasise its position rather as the arbitrator between classes than as merely the predominant partner

in the land; and I think it would be pedantic to have to postulate the latter position before venturing to exercise the functions of the former. Generally speaking, the privileged or occupancy tenants still enjoy special measures of protection as regards fixity of rent and tenure which are not as a matter of principle conceded to ordinary tenants; that is to say, rent enhancement, ejectment and so distraint are largely taken out of the hands of the landlords in the former but not in the latter case. Yet ordinary tenants are protected by Government against harshness on the part of the landlords in exercising their powers, and the barrier between the two classes is not insurmountable. In the landlord areas of Madras, where the influence of middlemen on the land has been much less marked than in Northern India and the tenant's position is of a simpler kind and has been safeguarded by tradition, the latest Act, passed in 1908 is of a striking nature. It declares that every cultivator or ryot, now in possession or who shall hereafter be admitted by a landlord to be in possession of ryot-land (that is land on an estate other than the home farm land in the special possession of the proprietor) shall have a permanent right of occupancy in his holding. The tenants right is hereditable and transferable; he can make improvements and claim compensation for them in the event of dispossession; his rent cannot be raised except by decree of court, and then only to the extent of $12\frac{1}{2}$ per cent. Such are the typical rights guaranteed by Government to privileged tenants, not only when their status is historical, but when they have been raised to that status as they not infrequently are by express enactment.

Over and above these special cases it is important to remember that as a matter of general practice the revenue officers of the Government, where they are not actually empowered to fix rents by law, can and do use their discretion to settle the rates that ought to be paid; in fact, they play the part of the good land agent to the superior landlord, the state in this case intervening actively in matters of dispute between tenant and sub-tenant. Moreover, when there is occasion for rent or tenant cases to be taken into court for decision, they go in most of the provinces before special revenue courts, or any rate tribunals of revenue officers composed of men who have kept in close working touch with the problems on which they adjudicate. The Government of India are not content to leave these matters to the ordinary and perhaps inexpert processes of civil law.

PROTECTION OF TENANTS

I should like to refer to two sets of arguments against the possibility of applying principles of Indian land administration to English conditions. In the first place, it is sometimes said that

the right of appeal to judical authority in matters of rent and tenure is confined on principle to the privileged tenant classes in India, while ordinary tenants are properly left to depend on the bargains that they derive with their landlords ; and it is argued that the indiscriminate extension of the right in England would be a dangerous innovation. I think it is fair to say that the State protection of the privileged tenants goes as a matter of fact a good deal beyond that right. As to the ordinary tenants, it has to be remembered that the State has helped them on occasions, as I have mentioned, either by interposing the check of revenue assessment upon excessive rent demands, or by raising the tenants' status bodily to that of the privileged class ; and this apart from the good officers, as I have just said freely rendered by its revenue officers. It does not seem to me that measures such as these are any less drastic in principle than the comparatively mild expedient of allowing the right of appeal in question. If the state in India is ready to take the most convenient form of protecting the weaker interests, why should not we in England be prepared to follow their examples ?

The Second contention is that the tenant in India, without state intervention is so much more at the mercy of his landlord, by reason of the keenness of competition and the absence for the most part of alternative industries, and the difficulty of transplantation to other districts, that a far greater of state protection is justifiable than would be the case in England. To this I would answer that where the strain on the tenant in England is removed as is so often the case by the simple process of shifting it on the class below him, the case of the state intervention on behalf of that class is no less urgent. And if the State in securing higher rates of wages for the labourer finds it necessary to re-impose the burden on the tenant, it is surely no less its duty to lighten that burden by the most expedient means that is, as I have said, by the principle of working from the foundation upward. It is in the light of this principle that I have tried to put before you the leading methods of tenants protection in India.

If your patience is not already exhausted, I should like to take up as briefly as possible some feature of the land system lying outside the two great spheres of land revenue and tenancy. There are for instance one or two points of interest connected with lands under the direct control of the State in India. These fall mainly into two classes. There are properties which have passed by various ways into government land, whether because the title of succession has lapsed or been forfeited, or because estates have been taken over (though very rarely in recent times) for arrears of revenue. I have

already mentioned how these came for the most part to be handed over to cultivators of the working directly under state, which managed by this means to secure protection for the agriculturist at the same time a valuable training ground for young revenue officers. In the second place, government claims the ownership of all waste lands. Some of these are held by the State as forest reserves or (in the Punjab) as fuel areas ; some are gradually made over to village for cultivation as the demand spreads ; and in the north-west of India large arid tracts have been brought under the irrigation by means of monumental engineering works, and are being parcelled out to colonists with the double object of extending the areas of cultivation and of raising the pressure of the land elsewhere. These canal colonies are worked by cultivators directly under the State ; and revenue is payable on the usual basis, but the assessment is very light during the early years of occupancy when the outlay is heavy and the return is small. While we are on this subject we can conveniently refer to the powers of government to acquire land when necessary for public purposes. Procedure under the latest Land Acquisition Act, that of 1894 is simple and satisfying. The Government notifies the areas which it wishes to exercise the right of taking over, and the right is incontestable at law, and state officer values the land and estimates the compensation payable at market rates to the holders ; and the latter may, if they wish, appeal to the Civil Courts against the amount of compensation assessed. But the courts are expressly debarred by statute from taking into consideration any rise in the value of the property that may have taken place since the date on which the Government notified its intention of acquiring the land. The expedient is so direct and so wholesome that it needs no comment ; it is comforting to know that we shall not have long to wait before municipalities in this country are empowered to get to work in similar lines. I will only add that in the course of the latest and in the most extensive proceedings under the Act I mean the Acquisition of Land for new Imperial Capital at Delhi extending back to the early part of 1912 it is being found that the original estimates for compensation are not being seriously exceeded as a result of actions at law.

The agriculturist in India, as in other countries, has always the problem of finding capital for the needs. Private money-lenders are plentiful but the rates of interest they ask, ranging from 12 to 24 per cent, or more are not exactly conducive to prosperity, and their ambitions to secure land by mortgage are looked at askance by the government which has found it necessary in some parts, to curtail the peasant's ability to raise money on his land by placing restric-

tions on alienation. Direct state assistance is forthcoming in the grant of government loans for the purpose of making improvements and the provision of advances to meet more temporary need, such as the relief of distress and the purchase of seed and cattle. It is worthwhile remembering that Indian peasants give valuable hostages to fortune is often cruel in India. A second and more important form of State activity is the encouragement of Co-operative Credit Societies which are run, as far as possible by the members themselves but with sympathetic help and directions from government officials. The expansion of movement under Government guidance has been most successful, and everything points to continued growth. Apart from these measures, the State gives direct encouragement to more expenditure of capital on the land by framing rules in the various provinces under which increases of income, due to improvements made by private individuals, are exempted from revenue assessment, either permanently or for a term of years.

CASE OF ENGLAND

No one, I trust, will imagine that I have tried to do more than give the barest outline of the Government land policy in India. I shall have succeeded if I have conveyed some impression of the methods followed by what is perhaps the most efficient administration of our times. In a land such as England, where reform moves from within, and has to depend in the long run upon the pressure of every democratic opinion with its confused voices and conflicting interests, it is sometimes difficult to escape into the hard, clear atmosphere which one finds in India. In this country we broaden reluctantly with many creakings, from precedent to precedent, and every creak is hailed as a portent of revolution. Whatever on the other hand may be the defects of a bureaucratic government, its cardinal justification should at any rate be efficiency : the unbiassed and unhesitating application of the right method to secure the right result. In India we find an example of a condition, in which the State freed from the resourceless grib of hallowed catchwords, secures its just shares of the profits it has created, and intervenes to protect the weaker interest in the ceaseless maintenance of prosperity on the land—are we to say that no lesson is to be learned, no moral is to be drawn from its activities ? Can we not for once turn aside from the immemorial phrase that too often stands in the part of progress in this country ? An Indian landholder sometimes tells the revenue officers when he cannot account for the origin or extent of holding, that it is *dadillahi* or gift of God ; but that simple utterance does not relieve the State of its rights or its duties in respect

of his holding. It is hard to maintain that any equivalent formula should be allowed to have magic properties in England.

* * *

"This Congress is strongly of opinion that a reasonable and definite limit should be put to the demand of the State on land and that the permanent settlement should be introduced in all areas, Ryotwari or Zemindari, where that settlement is not in force, creating fixity of tenure for occupants, wherever possible, and that if the Government does not see its way to the introduction of such settlement, a settlement for a period of not less than 60 years should be introduced.

"The Congress is further of opinion that effect should be given to the recommendation of the Royal Commission on Decentralization, that the general principles of land revenue assessment should be embodied in provincial legislation and that such legislation should state specifically the limit of enhancement of assessment, if any."

14 : 30 : 915 : Bombay : XX.

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"This Congress is of opinion that the time has arrived when the Revenue policy of different provinces should be re-examined, and as a preliminary towards that end the Congress directs the All-India Congress Committee to investigate the systems of Revenue in vogue in different provinces and the condition of the peasantry affected by them by such agency as they may think fit."

34 : 1919—1920 : Amritsar : XXXIII

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"It is worthwhile to read Mahatma Gandhi's remarks in *Young India*, dated November 14, 1929, pages 3 9-371, on Lala Deshraj's commentary about Mr. F.L. Brayne's work for the uplift of the villages in the Gurgaon district of the Punjab. Gandhiji approves a few remedies such as *Cooperative Banks and Consolidation of Lands*—suggested in the study."

—M. K. Gandhi—*Young India*, Nov. 14, 1929, p. 369-371.

"A model zamindar would at once reduce much of the burden the ryot is now bearing. He would come in intimate touch with the ryots and know their wants and inject hope into them....He will study the economic condition of the ryots under his care, establish schools in which he will educate his own children side by side with those of the ryots.....*If only the capitalist class will read the signs of the time, revise their notions of God-given right to all they possess, in an incredibly* short space of time, the seven hundred thousand

dung-heads which to-day pass muster as villages can be turned into abodes of peace, health and comfort."

—M. K. Gandhi—*Young India,* December 5, 1929.

* * *

".....Let them (Zamindars) cease to be mere rent collectors. They should become trustees and trusted friends of their tenants ..... They are or should be members of a joint family in which the Zamindar is the head guarding their rights against encroachment. Whatever the law may be, the Zamindari to be defensible must approach the conditions of a joint family.

—M. K. Gandhi—*Young India,* May 28, 1931, p. 120-121.

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"The Zamindar is merely a tool of a system. It is not necessary to take up a movement against him. We have no quarrel with the zamindars as such, so long as they should be well by the tenants." —M. K. Gandhi—*Young India,* November 26, 1931.

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In as much as some misapprehension has been created in the minds of Zamindars of U. P. in particular, and others in general that in discussing proposals for non-payment of rent or taxes under given circumstances the Congress was contemplating a class war, the Working Committee assures the Zamindars concerned that the no-rent proposals referred to were in no way aimed at them but that they represent an economic necessity for the peasantry which is known to be half starved and at present suffering from unprecedented economic distress. The Working Committee has no design upon any interest legitimately acquired and not in conflict with the national well being. The Working Committee, therefore, appeals to all landed or monied classes to help the Congress to the best of their ability in its fight for the freedom of the country.[1]

(*Congress Working Committee,* January, 1932)

* * *

"Let me assure you that I shall be no party to dispossessing propertied classes of their private property without just cause. My objective is to reach your heart and convert you so that you may hold all your private property in trust for your tenants and use it primarily for their welfare. I am quite clear that if strictly honest and unchangeable referendum of our millions were to be taken, they would not vote for the wholesale expropriation of the propertied

1. Resolutions on Economic Policy and Programme, 1924-54, N. Delhi All India Congress Committee, 1954 .p. 10.

classes. I am working for the co-operation and co-ordination of capital and labour, of landlord and tenant.

"But I must utter a note of warning. I have always told millowners that they are not exclusive owners of mills and workmen are equal sharers in ownership. In the same way, I would tell you that ownership of your land belongs as much to the ryots as to you; and you may not squander your gain in luxurious or extravagant living, but must use them for the well-being of ryots. Once you make your ryots experience a sense of kinship with you, and a sense of security that their interests as members of a family will never suffer at your hands, you may be sure that there cannot be a clash between you and them and no class war.

"All your fears and misgivings, permit me to tell you, are those of guilty conscience. Wipe out injustices you may have consciously or unconsciously guilt of. The ryots themselves have no great ambition than to live in peace and they will never grudge your possession of property provided you use it for them."

—M. K. Gandhi—*Amrita Bazar Patrika*, August 2, 1934.

* * *

"AGRARIAN PROGRAMME"

"This Congress is of opinion that the most important and urgent problem of the country is the appalling poverty and unemployment and indebtedness of the peasantry fundamentally due to antiquated and repressive land tenure and revenue systems and intensified in recent years by the great slump in prices of agricultural produce. The final solution of this problem inevitably involves the removal of British imperialistic exploitation, a thorough change of the land tenure and revenue systems and a recognition by the State of its duty to provide work for the rural unemployed masses.

In view, however, of the fact that agrarian conditions and land tenure and revenue systems differ in the various Provinces, it is desirable to consult the Provincial Congress Committees and such peasant organisations as the Working Committee considers fit in the drawing up of a full *All India Agrarian Programme* as well as a programme for each Province. This Congress, therefore, calls upon each Provincial Congress Committee to make recommendations in detail to the Working Committee by August 31, 1936, for being considered and placed before the All India Congress Committee having particular regard to the following matters :—

1. Freedom of organisation of agricultural labourers and peasants.

2. Safeguarding of the interests of peasants where there are intermediaries between the State and themselves.
3. Just and fair relief of agricultural indebtedness including arrears of rent and revenue.
4. Emancipation of the peasants from feudal and semi-feudal levies.
5. Substantial reduction in respect of rent and revenue demands.
6. A just allotment of the State expenditure for the social, economic and cultural amenities of villages.
7. Protection against harrassing restrictions on the utilisation of local natural facilities for their domestic and agricultural needs.
8. Freedom from oppression and harrassment at the hands of Government officials and landlords.
9. Fostering industries for relieving rural unemployment.

49 : 1936 : Lucknow.

* * *

"OWNERSHIP OF LAND"

Real socialism has been handed down to us by our ancestors who fought : "*All land belongs to Gopal, where then is the boundary line ? Man is the maker of that line and he can, therefore, unmake it.*" Gopal literally means shepherd ; it also means God. In modern language it means the State ; the People. That the land to-day does not belong to the people is too true. But the fault is not in the teaching. It is in us who have not lived upto it.

I have no doubt that we can make as good an approach to it as is possible for any nation, not excluding Russia, and that without violence. The most effective substitute for violent dispossession is the wheel with all its implications. *Land and all property is his who will work on it.*

Unfortunately the workers are or have been kept ignorant of this simple fact.

Continuous unemployment has induced in the people a kind of laziness which is most depressing. Thus whilst the alien rule is undoubtedly responsible for the growing pauperism of the people, we are more responsible for it. If the middle-class people, who betrayed their trust and bartered away the economic independence of India for a mess of pottage, would now realize their error and take the message of the wheel to the villagers and induce them to shed their la ness and work at the wheel, we can ameliorate the condition of the people to a great extent.

—M. K. Gandhi—*Harijan,* January 2, 1937, p. 375.

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"REMOVAL OF INTERMEDIARIES"

"In view of the fact that the Congress being committed, through its Election Manifesto, to the removal of intermediaries between the peasant and the State, it is necessary to accelerate the pace of this removal in a systematic and planned manner ;

"Further in view of the fact that these intermediaries are found, under various disguise and names, in every part of the country including the Ryotwari provinces, and there is every likelihood of their reappearing if the steps are not taken from the very outset to render their reappearance simply impossible ;

"And lastly in view of the fact that this abolition of intermediaries is meant merely as a stepping stone for the planned agricultural economy in the villages to enable them to supply enough food and other materials for the country ;

"The A.I.C.C. directs the Working Committee to appoint forthwith a Committee of such persons as take a keen interest in the matter and have made a special study of these problems to prepare soon a comprehensive scheme for the purpose which may be applied, with some modifications if necessary, to all the provinces and parts of the country."—Swami Sahajanand Saraswati, Member, Bihar.

* * *

"It was decided that the provincial government be asked to send to the A.I.C.C. Office their schemes for the abolition of the Zamindari system. The material received should be systematised and placed before the Working Committee for consideration."

W. C. : Sept. 25, 1946 : Delhi. III.

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In answer to the following question, Gandhiji said as under :

Q. At East Kerda (in Noakhali) you advised peasants to work co-operatively in their fields. Should they pool together their land and divide the crop in proportion to the area of the fields they held ? Would you give us an outline of the idea of how exactly they are to work in a co-operative manner ?

Ans. Ghandhiji said that the question was good and admitted of a simple answer. His notion of co-operation was that the land would be held in co-operation by the owners and tilled and cultivated also in co-operation. This would cause a saving of labour, capital, tools, etc. The owners would work in co-operation and own capital, tools, animals, seeds etc. in co-operation. *Co-operative farming of his conception would change the face of the land and banish poverty and*

idleness from their midst. All this was only possible if people became friends of one another and as one family. When that happy event took place there would be no ugly sore in the form of a communal problem.

—M. K. Gandhi—*Harijan*, March 9, 1947, p. 59.

* * *

"The question of issuing directives to the Congress Ministries on the question of Abolition of Zamindari was considered and the following decision was taken :

"The Working Committee next considered the question whether any direction is to be issued to the Provincial Governments who were introducing bills for the abolition of Zamindari and who had sent the reports about the steps the Provincial Governments were taking regarding this question.

"The Committee was of opinion that the Working Committee is not in a position to issue any directive at present but the Committee desired that the Provincial Governments should proceed expeditiously with the legislation and continue to send reports to the All India Congress Committee Office. The President on consultation with other members of the Working Committee and such other experts whom he may choose to consult may issue such directive as he may consider necessary".

W. C. : May 1—4, 1947 : Delhi.

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"SUMMARY OF REPORT OF THE CONGRESS AGRARIAN REFORMS COMMITTEE AND ITS RECOMMENDATIONS"[1]

"On the unanimous suggestion of the Revenue Ministers Conference which met in Delhi in December, 1947, Dr. Rajendra Parasad, the then Congress President, appointed an Agrarian Reforms Committee. Late Shri J. C. Kumarappa was appointed the Chairman of the Committee. The other members of the Committee were Prof. M.L. Dantwala, Shri S. Das Gupta, Shri T.V. Raghavulu, Shri O. P. Rameshwamy Raddiar, Shri N. G. Ranga, Shri Ameen Raza, Shri Phulan Prasad Varma and Shri K. Mitra. The following were the terms of reference of the Committee :

"The Committee will have to examine and make recommendations about agrarian reforms arising out of the abolition of Zamindari system in the light of conditions prevailing in the different provinces. The Committee will consider and report on co-operative farming and methods of improving, agricultural production, position of small holdings, sub-tenants, landless labourers and generally on improving the conditions of agricultural rural populations."

1. *Report af the Congress Agrarian Reforms Committee* New, Delhi, A.I.C.C., 1949, p. 7—13.

The Committee's report is divided into eleven chapters.

The first four chapters deal with the main problems of rights in land, the future pattern of agrarian economy and the place of co-operative farming therein and the question of a machinery of land management. Other chapters deal with problems of agricultural indebtedness, rural finance and marketing agricultural labour, stabilisation of agricultural prices, agricultural improvements, agro-industries, rural welfare and agricultural statistics.

LAND REFORMS

The committee feels that there cannot be any lasting improvement in agricultural production and efficiency without comprehensive reforms in the country's land system. The Congress in its Election Manifesto and the Report of the Economic Programme Committee has declared itself in favour of the elimination of all intermediaries between the State and the tiller. The Zamindari Abolition Bills in the various provinces which are in different stages of implementation are a first step towards objective. But even after the abolition of the zamindari there would remain a large element of no-cultivating interest in land. The committee is strongly of the opinion that in the agrarian economy of India there is no place for intermediaries and land must belong to the tiller, subject to condition mentioned hereafter. The committee has, therefore, recommended that in future, subletting of land will be prohibited except in the case of widows, minors and other disabled persons. To cover the period of transition, however, the committee has recommended a set of rights for the actual tillers who are themselves not owners of land. Those who have been cultivating land continuously for a period of six years should in the opinion of the committee automatically get full occupancy rights. In case of others the committee has recommended that the owner may have the option up to a certain period to resume the holdings for personal cultivation subject to certain well defined conditions. Only those who put in a minimum amount of physical labour, and participate in actual agricultural operations would be deemed to cultivate land personally. The owner will have the option to resume the holding to the extent to which it is necessary to make his self-cultivated holding economic. He can, however, resume more land, up to the maximum prescribed if thereby he does not reduce the tenant's holding below the economic. The committee has also recommended that the tenant should have the right to purchase the holding at a reasonable price to be determined by Regional Land Tribunal. The tenant should be assisted by a suitable financial agency in purchasing the holding. The committee has laid special emphasis on immediate prevention of all evictions and the pre-

paration of record of rights by local Land Tribunals with which non-official opinion will be associated. All tenants, to whichever class they may belong must be protected from rack renting and illegal exactions. There will be provision for determination by Land Tribunal of reasonable rent as well for the commutation of rents in kind into cash.

Pattern of Agrarian Economy

The existing pattern of agrarian economy is so complex and the problems which it has to face are so variegated that no single uniform method of land utilisation can meet the requirements of the situation. The Committee has, however, kept before itself some of the main principles which should govern the agrarian policy of the country :

(*a*) The agrarian economy should provide an opportunity for the development of the farmer's personality.

(*b*) There should be no scope for exploitation of one class by another.

(*c*) There should be maximum efficiency of production.

(*d*) The scheme of reforms should be within the realm of practicability.

Though the Committee has recommended more than one type of farming it has adhered to the principles laid down above. Thus though there is a variety in form there is unity in idea.

Size of Holdings

The basis of differentiation in the types of farming which guided the Committee is mainly the size of holdings. For the purpose of analysis the Committee has evolved three norms of size of holdings—Basic, Economic and Optimum.

Economic Holding

The central concept is that of an Economic holding which should be determined according to the agronomic conditions of different regions on the following principles :

(*i*) It must afford a reasonable standard of living to the cultivator.

(*ii*) It must provide full employment to a family of normal size and at least to a pair of bullocks.

Basic Holding

The logic behind such differentiation is that holdings below the economic size demand a different approach and treatment, say that of rehabilitation. But the number and percentage of such holdings in India is so large that the task of rehabilitation of such a

vast sector of the agrarian economy would be beyond the organisational competence of the State. The Committee, therefore, has evolved the concept of a Basic Holding which will be smaller than the economic holding and to which the rehabilitation treatment may be given.

A basic holding is a holding smaller than which would be palpably uneconomic from the point of view of efficiency of agricultural operations. Thus, there will be between the Basic and the Economic Holdings a category which though uneconomic the sense of being unable to provide a reasonable standard of living to the cultivator may not be inefficient for purposes of agricultural operations.

Optimum Holding

The Committee has also felt that there should be a ceiling to the size of holdings which any one farmer should own and cultivate. In the first place the supply of land in relation to the number of people seeking it is so limited that not to put a ceiling on individual holdings would be irrational and unjust. Secondly, under the present technique of cultivation, the managerial capacity and financial resources of an average cultivator in India the optimum size of holding has to be fairly low. The Committee has, therefore, recommended that the optimum size should be three times the size of the economic holding. Certain exceptions, however, have been allowed in cases of joint families and charitable institutions.

It is argued that the imposition of such ceiling to ownership in one sector of economy will create anomalies. The Committee however is competent to make recommendations only with regard to the agrarian economy but has every hope that a similar principle of distributive justice would be applied to other sectors of our economy.

Modes of Farming *

Family farms The Committee has recommended restricted form of family farming for holdings between the Basic and the Optimum sizes. It is decided to lower the limit of family farming below the Economic size in the hope that the provision of multipurpose co-operative facilities would reduce to a great extent the inefficiency involved in farming on such units,

Co-operative Joint Farming There is, however, a limit below which family farming even with all the co-operative aids implied in better farming ceases to be economic. The Committee has, therefore, recommended Co-operative Joint Farming for holdings below the basic size.

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*Ref. to section on Rights.

This, however, does not mean that all the below Basic Holdings in a village would be lumped into a single giant co-operative in which the cultivator may lose his individuality. A Co-operative Joint Farm can be formed whenever the requisite number of below basic holders come together and constitute a holding of the optimum size.

The Committee is convinced that without these co-operative moulds Better Farming for family farms and Joint Farming for holdings below basic, the efficiency of agriculture cannot be substantially increased. It has, therefore, recommended that the State should be empowered to enforce the application of varying degrees of co-operation for different types of farming. Thus, while the family farmer (holder of a farm between the Basic and the Optimum) will have to make use of the multi-purpose co-operative society for marketing, credit etc., the below-basic holder will have to cultivate his farm jointly with such other holders. The organisational and other difficulties involved in the implementation of the proposal however would necessitate its spread over a period of time. A beginning may be made in selected areas and its extension may be entrusted to specially trained persons under the planned direction and control of a Provincial Co-operative Farming Board. The gradualness of the programme, intelligent propaganda, liberal state aid and its judicious implementation by a specially trained cadre would to a very great extent reduce the psychological hestitation of the farmer to take to the co-operative patterns recommended by the Committee. The Committee firmly believes that the agrarian traditions of this country are in favour and not against the Committee's recommendations.

Collective Farming The Committee has recommended the Collective type of farming on a portion of reclaimed lands where landless agricultural labourers would be settled. This will to a certain extent help in satisfying the land hunger of the landless labourers and give an opportunity to the State to test the economics of mechanised farming. In the initial stages the State will have to provide the necessary resources. The Committee is of the opinion that individual settlements should on no account be allowed on newly reclaimed lands.

With regard to the land above the ceiling to holdings subject to the rights of the tenants the same should be used for the purposes of co-operative joint farming whenever such land can be obtained in a big block. When such land is available in scattered bits, it may be used for making uneconomic holdings economic.

State Farming The Committee has also recommended the creation of state farms for the purpose of research and experimentation.

Rights in Land

On the question of rights in land the Committee is of the opinion that these should be shared between the community and the tiller. The idea of proprietorship in which the owner could use or misuse land as he likes is incongruous with the economic and social needs of our times. This, however, does not mean that the State should assume all the rights and authority leaving no scope for initiative on the part of the cultivator and for the development of his personality. The cultivator will have permanent transferable and heritable right of cultivation subject to the following conditions :

(1) that he does not sublet his holding ;

(2) that he transfers his holding according to well defined priorities laid down by the appropriate authority and at a price which is reasonable and not speculative ;

(3) that he conforms to the test of good husbandry and the scheme of crop-planning proposed from time to time by the Land Commission.

The rights vested in the community are to be exercised by the Land Commission through agencies at different levels, the basic one being the Village Panchayat elected on adult franchise and proportional representation. It will also be responsible for the collection of land rates from the cultivators.

Land Management

The Committee strongly believes that the present system of administration pertaining to the various aspects of land use and management is very faulty. Though of late there have been some efforts at co-ordinating the work of departments concerned with the problems of the agrarian economy, the integrated outlook which is so necessary for a comprehensive solution of the problem is conspicuous by its absence.

Secondly, the approach is still bureaucratic with its characteristic weakness of red-tapism and lack of sympathy. The Committee has, therefore, recommended a single and integrated machinery with regional units composed of different elements—officials, experts and representatives of the agricultural population with all the powers and responsibilities at present vested in various departments dealing with the problems of agrarian economy. The idea is to import a functional rather than a political approach in land administration. Maximum

effort will have also to be made at decentralising the functions of the administrative machinery by devolving as much power as possible on the regional units.

At the apex of this machinery will be a Statutory Central Land Commission whose primary duty would be to evolve an all India scheme of Crop-planning and allocate scarce resources according to priorities. There will be Provincial Land Commissions with a wider range of function and responsibilities. The Provincial Land Commissions will be assisted by a number of specialised Boards such as those for Rural Finance, Co-operative Farming, Wages Determination etc.

The Committee has also recommended the creation of a Rural Economic Civil Service for the execution of the Commission's work. There will be similar regional authorities in charge of a group of villages, the basic unit being the Village Panchayat.

AGRICULTURAL INDEBTEDNESS—RURAL FINANCE AND MARKETING

On the question of agricultural indebtedness, the Committee is of the opinion that for a large sector of the agrarian population the burden of indebtedness has not diminished in spite of high prices. It has therefore, recommended compulsory scaling down of the debts on the basis of the paying capacity and the equity of the loans in case of farmers. In case of agricultural labourers, however, the Committee has recommended complete wiping out of all indebtedness. The Committee has wholeheartedly endorsed the schemes for compulsory registration and control of money-lenders.

The important, question however, is the provition of alternative credit at reasonable rates. For this Committee has suggested that there should be a single agency in charge of all credits. The credits should be as far as possible controlled, functional and in kind and the fullest use should be made of multipurpose cooperatives for the purpose.

The main feature of the Committee's recommendations, however, is that lack of credit-worthiness should not come in the way of the cultivator in securing the essential requirements of farming. This has been the biggest impediment in the progress of institutional credit. The percentage of uncreditworthy cultivators in India is so vast that any scheme of credit which confines itself to the soc-alled creditworthy cultivators will only touch the fringe of the problem leaving the vast number to the mercy of money-lenders. The Committee recognises that the extension of credit to uncreditworthy cultivators would ultimately amount to a scheme of subsidisation. But there seems to

be no escape from such commitments. All such finance may be considered as a part of a scheme of rehabilitation.

According to the Committee regulated market multipurpose co-operative societies and licensed ware-houses would be the major planks in the scheme of reforms of marketing and rural finance.

Agricultural Labour

The Committee has laid great stress on the immediate amelioration of the conditions of agricultural labourers. It has found sufficient evidence of agrestic serfdom in many parts of India, especially in Gujerat and Madras. Employment of such labour in the opinion of the Committee should immediately be made a cognizable offence. The Committee has also recommended an early implementation of the provisions of the Minimum Wages Act for agricultural labourers through Wage Boards. Provision of housing sites and prevention of ejectment should be given top priority. The main problem of agricultural labour is, however, unemployment and under-employment which can be tackled only by a planned development of suitable agro-industries. To stimulate mobility of the labourers it will be necessary to establish Employment Bureaus whose functions would be to explore the opportunities of alternative employment and offer special facilities to labourers for migration.

State legislation alone, however, on all these questions will not produce the desired result. And the effort will have to be backed up by a strong trade union movement. There should be a separate trade union of landless labourers. But in order to be successful they should be in intimate touch with the organisation of urban labour.

Agricultural Price

The Committee believes that the assurance of a reasonable income to the agriculturists through stabilisation of price or a scheme of Crop Insurance is necessary for the success of agrarian reforms. It has, therefore, recommended that a technique should be evolved for maintaining parity between prices of agricultural and industrial commodities.

Agricultural Statistics

The Committee has emphasized the need for the proper maintenance of agricultural statistics without which no sound policies of gricultural planning and development can be formulated. The point that needs to be noted is that the task of organising the statistics should be a joint effort of statisticians and agricultural economists.

Rural Welfare

No agrarian reform will be complete unless it embraces the aggregate life of villagers. In a final chapter the Committee has there-

fore, given a comprehensive plan for the organisation of rural welfare, some of the main ingredients of which are the provision of basic education with agriculture as the main craft, rural health organisation and the development of the village Panchayat.

Agrarian Reforms Commissioners

The Committee would request the Indian National Congress to look upon its set of recommendations not as isolated pieces but as a single integrated pattern. One can neither appreciate nor implement them in parts. Some of them are no doubt of a fundamental character. But fundamental problems can never be tackled by patch work reforms.

The implementation of the recommendations would require determination, drive and imagination. While the Committee is aware that the implementation of the reforms will naturally be gradual in character. Agrarian Reforms Commissioners with necessary powers should, however, be immediately appointed both at the Central and Provincial levels. There should be Provincial Commissioners charged with the task of quickening up the pace of the agrarian reforms in the province and also a Central Commissioner to co-ordinate the reforms in the provinces and to bring to the notice of the Central authority the obstacles in the way of such co-ordination and uniform progress.''

"AGRICULTURE"*

(1) In every province and every prescribed area minimum levels of assured production of food, cloth and building materials should be determined on the basis of a scheme of balanced cultivation.

(2) All intermediaries between the tiller and the State should be eliminated, all middlemen should be replaced by non-profit making agencies such as cooperatives.

(3) Satisfactory means should be evolved for achieving and maintaining more equitable exchange relations between agricultural and non-agricultural products. This should be done by fixing a juster level of prices of agricultural commodities and manufactured goods and commercial and other social services calculated to result in remunerative prices for basic agricultural products and in the achievement of living wage levels for agricultural workers.

(4) The individual peasant is generally so ill equipped that he cannot be expected to assume complete responsibility for better

*Resolutions, Economic Policy and Programme, 1924-54. New Delhi, A.I.C.C 1954. P. 23.26. Extract from *A.I.C.C. Resolutions*, Objectives and Economic Programme, November, 1947.

farming. Implements, manure, seeds, bullocks and such other essential equipment should, therefore, be made available to him by a Central Agency (Provincial) not directly but through the Village Multi-purpose Co-operative Society.

(5) The state should undertake direct investment in non-recurring permanent land improvements like antierosion irrigation and drainage measures, the Government providing the resources and the village supplying the labour power.

(6) To raise the efficiency of our existing human resources technical education besides general education must be provided to all children, adolescents and even adults. The Wardha education system with agriculture as the basic craft should be adopted.

(7) With a view immediately to raise the standard of efficiency and culture of the agricultural population the Provincial Governments should organise and maintain schools and demonstration farms to provide refresher courses and to ensure that Kisan youths and skilled Kisans are educated and trained in the most efficient and practical modern methods of agriculture including accounting, marketing and other business activities associated with agriculture.

(8) The State should organise pilot schemes for experimenting with cooperative farming among small holders and should set up cooperative colonies on Government unoccupied but cultivable lands and should also directly own and run farms for purposes of experiment and demonstration.

(9) Every effort should be made to minimise the present wastage and high cost of cattle service by organising cooperative stock breeding and cattle maintenance station and veterinary dispensaries in as many villages as possible thereby enabling the peasant to hire out cattle services. There should be provision of stud bulls and pedigree cattle for both drought and milk yielding purposes.

(10) Government must organize expeditiously Agricultural and Cooperation Information Service to work in co-operation with and through the local co-operative organisations, village panchayats and agriculturists' organisations and see that every village is brought in direct contact with this service,

(11) Co-operative Multipurpose Enterprises and their Unions should be organised systematically and according to a plan in all centres to cut down the costs of agricultural credit processing and marketing of agricultural produce and the supply of manufactured goods from the towns to villages and from the factories and industrial co-operatives to the villagers,

Organisation and working of co-operative societies should

primarily be the concern of the local population. District Co-operative Federations and Unions should be organised to de-bureaucratise the co-operative movement so that the function of Government will be confined to assisting the societies in every possible way in keeping proper accounts in supervision of their working and in auditing and by providing the necessary trained personnel.

(12) Land should be held for use and as a source of employment. The use of lands of those who are either non-cultivating landholders or otherwise unable for any period to exercise the right of cultivating them must come to vest in the village cooperative community subject to the condition that the original lawful holder or his successor will be entitled to come back to the land for genuine cultivation. In the case of minors and the physically incapacitated a share of the produce of the land should be given to them.

(13) The maximum size of holding should be fixed. The surplus land over such a maximum should be acquired and placed at the disposal of the village cooperatives. Small holdings should be consolidated and steps taken to prevent further fragmentation.

(14) Priority should be given by the State in its plans for the early development of river valley projects and also for the production and distribution of cheap electricity for rural industries and agricultural purposes and for assuring protected water supply to the people of the rural areas.

(15) Provision should be made for grain storage, rural communications, manure collection and preservation, tree planting, fuel supply and the organisation of seed supply farms under the State and co-operative auspices to bring all land under improved seeds and varieties.

(16) Statutory Village Panchayats should be organised for a village for self-governing purposes with well-defined powers and adequate financial resources and with supervisory jurisdiction over all other institutions in the locality.

(17) The present land revenue system should be replaced by progressive taxation of agricultural income.

(18) To finance agricultural operations and development the State should organise Agricultural Finance Corporations which should function through cooperative societies.

(19) Suitable machinery should be created for conciliation and mutual assistance between landless and landholding peasants.

(20) Provincial Governments should take steps for the relief of indebtedness of agricultural labour.

"BHOODAN MOVEMENT"*

".....The Bhoodan Movement acquires great significance in this context of urgent change. It underlines traditions that are implicit in the Indian way of life. It recaptures the idea of the social order as the family writ large. It appeals to our religious instinct that spiritual freedom can be attaind only by those who are not attached to material possession. The movement started by Acharya Vinoba Bhave is potentially revolutionary in character. The response to his appeal which has come from all levels of the social order shows that the moral reserve of our country was large. The movement is based on act of faith. Even if it does not by itself bring about an agrarian revolution it proposes for it by producing a climate of opinion in which courageous methods of land reform can be put through."".....

"BHOO-KRANTI DAY PLEDGE"**

(PLEDGE FOR 18TH APRIL 1951)

"On the 15th of August 1947, India attained its freedom under the leadership of the Father of the Nation, Mahatma Gandhi. For the first time in the history of the world a country liberated itself through collective non-violence. Every citizen of India can legitimately take pride in this achievement. Even while the fight for political freedom was going on the aspiration for economic freedom and equality had already taken deep root. This was natural. Our political freedom has but little meaning without economic freedom. Swaraj necessarily connotes the complete eradication of poverty and every trace of inequality. In Swaraj every citizen should feel that it is his or her own rule.

Freedom came. But poverty and plenty continued to exist side by side. Exploitation showed little signs of abating and the people developed the unhealthy habit of looking to the State with expectant eyes. They did not grow conscious of their own strength. Those who served the people were continually searching for non-violent solution of this situation. It was on this background that the Bhoodan Yajna Movement came, none too early. It opened the way of non-violence. The atmosphere began to echo with demand of enough land to the landless by the end of 1957 as the first step and for the ultimate elimination of the very idea of ownership of property.

**Radhakrishnan, S.* Foreword to *Vinoba and his Mission* by Suresh Ram. Kashi (India) A.B.S.S. Sangh, 1954. p. vi. Bhoodan Movement is a kind of *Land Reform Movement* as conceived by Vinoba Bhave. For detailed study readers are referred to "*Vinoba and Bhoodan*" by Jagdish Saran Sharma.

***Suresh Ram. *Vinoba and his Mission*, Kashi, A.B.S.S.S. 1954. p. 331—332.

It is, therefore, high time now for the whole of India to remove, in the words of Tulsidas "the bigness of the big and the smallness of the small" through the means of love and peace and thereby to give a powerful impetus to the cause of World Peace which is in great jeopardy every moment.

Therefore, we the citizens of India, every woman and man amongst us take a solemn pledge to devote all our efforts for bringing about a non-violent land revolution (भूमि क्रान्ति, *Bhoomi Kranti*) and not to rest till the goal is reached. We will dedicate all our active sympathy, talents, co-operation and endeavour to the fulfilment of the Bhoodan Yajna ; and as a token of this we will contribute an adequate portion of our wealth whether in land, money, labour or time so that this great Yajna which aims at putting an end to inequality and achieving economic independence in our Motherland, fulfils its mission."

"SEVAPURI RESOLUTION"*

"The Sarvodaya Samaj aims at the establishment on the basis of truth and non-violence of a classless and casteless society in which there is no exploitation and everybody gets full opportunity for individual growth and development. The main issue before us is to devise ways and means to proceed towards this object in the face of the economic inequality rampant in the country. The Bhoodan Yajna Movement inspired and led by Vinobaji has provided a solution for it in ample measure. Demonstrating the efficacy of non-violence this movement has enlivened again our faith in non-violence. We are glad to note that the movement has of late attracted the attention not only of this country but also of those abroad.

As desired by our workers and countrymen it is but meet that this movement is carried on with redoubled zeal and vigour under the direction of the Sarva Seva Sangh. Shri Vinobaji is also of the view that instead of confining the movement to his personal efforts alone it should be made nation-wide. The Sarva Seva Sangh, therefore, feels called upon to take up this responsibility on its shoulders under the leadership of Shri Vinobaji.

The fundamental principle of the Bhoodan Yajna Movement is that all children of the soil have an equal right over the Mother Earth in the same way as those born of a mother have over her. It is, therefore, essential that the entire land of the country should be equitably redistributed anew providing roughly at least five acres of dry land or one acre of wet land to every family. The Sarvodaya Samaj by appealing to the good sense of the people should prepare

*Suresh Ram. *Vinoba and his Mission.* Kashi, A.B.S.S.S. 1954. p, 221.

their minds for this equitable distribution and acquire within the next two years at least 25 lakhs of acres of land from about five lakhs of our villages.....on the rough basis of five acres per village. This land will be distributed to those landless labourers who are versed in agriculture, want to take it, and have no other means of subsistence.''—(April, 1952).

"CHANDIL RESOLUTION"*

"Last year at Sevapuri the Sarva Seva Sangh pledged its support to the Bhoodan Movement and decided to collect 25 lakhs of acres of land within two years. One year is now over and we have only been able to collect seven to eight lakh acres of land. Still when we remember how deep man's attachment to land is and how little faith the people and the majority of workers had in the beginning, we will have to admit that securing seven to eight lakh acres of land is indeed a surprising achievement.

We are glad that not only big landowners but also a good number of small landowners and poor peasant proprietors have donated land in this *Yajna*. This has strengthened our faith. We congratulate them and are grateful for the response we have received from them. They have purified themselves and have helped in creating an atmosphere conducive to the purity and enrichment of our society.

Various institutions and workers and many from among the people have extended their co-operation to us even in the face of difficulties. The Sarva Seva Sangh is grateful to them for this co-operation.

Today we pledge ourselves anew to this great task. We have to collect 17 to 18 lakh acres of land in the next twelve months. For this it is necessary for us to carry on our work with greater devotion and concentration during the coming year. We have to remember too that the objective of the Bhoodan Yajna is not merely to collect 25 lakh acres of land but to prepare the background for a non-violent revolution and to lay the corner-stone of the structure of a Sarvodaya Society. A special responsibility, therefore, devolves on all those who believe in the Sarvodaya philosophy and more especially on institution and workers carrying on constructive work. For, their object is to strive for the establishment of a Sarvodaya Society and it is evident that this object of theirs cannot be fulfilled without integrating their programme with the effort to bring about a peaceful transformation of our society. The Bhoodan movement is such a dynamic movement for a non-violent

*Suresh Ram, *Vinoba and his Mission*, Kashi. A.B.S.S.S., 1954, Pages 322—324.

revolution on the basis of which and in integration with which alone can constructive work and institutions progress towards the fulfilment of their objectives. We, therefore, hope that these institutions and workers will give first place to the Bhoodan Yajna in their programme of work and see that they not only collect 25 lakh acres of land in the coming twelve months but also create the atmosphere necessary for establishment of non-exploiting and equalizing society by collecting five crores of acres of land by 1957.

We also appeal to all political and social workers to forget all their differences and to co-operate in the great work of this *Yajna*.

Our youths are today anxious for a revolution. They must realize that the revolution is already in their midst and that what has to be done today is to ensure the success of this great revolution, by setting aside all other work and placing their service at the disposal of the Sarva Seva Sangh. Such dedication on the part of the youths of our country can certainly strengthen the revolution and enable it to take firm roots in the soil.

In conclusion we appeal to landowners, especially to big landowners to realize that this *Yajna* will be beneficial to them too, since Sarvodaya which this *Yajna* wants to usher in means the well being of all. We appeal to them, therefore, to work in every possible way to ensure the success of this movement. Up to now only Vinobaji and his co-workers have been going from village to village and house to house asking for land gifts. But the time has now come for landowners to come forward voluntarily and to donate land ; for the new society we seek to build up can only be built up by those who have undergone a change of heart and realized the greatness of the ideals that prompt this *Yajna*.

Many want the work of redistribution of land to be completed through legislation. The *Bhoodan Yajna* does not stand in the way of legislation, but creates an atmosphere favourable to legislation. Still we believe that the power that the people will acquire if we accomplish this task through a genuine change of heart will be the real basis of a Sarvodaya society.

We hope that all those who have received the message of the *Bhoodan Yajna* and realized the supreme and inescapable duty of our times will come forward, take part in this *Yajna* and co-operate in the fulfilment of our pledge without waiting for anyone to go to them and appeal for land."

(*March 1953*)

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BODH GAYA RESOLUTION*

"It was in the Sevapuri Sarvodaya Sammelan in 1952 that the Sarva Seva Sangh declared its resolve to collect 25 lakhs of acres of land for Bhoodan Yajna before March, 1954. The Sangh feels happy and grateful that this target has been realised within the specified period. But the Sangh could not claim to have completely succeeded in this programme as some of the provinces could not fully realise the quotas allotted to them. However, 28,15,101 acres have been received from 2,37,097 donors and this is indeed a unique achievement as it is an indication that the message has reached the hearts of a large section of the people within the short period of two years.

The Sangh offers its respectful felicitations to the small as well as to big peasants and zamindars, among these two hundred and thirty seven thousand donors, to the many workers and to all those who have contributed to this great success.

The Sangh encouraged by the rapid progress made since the Sevapuri Sammelan resolved at the last Chandil Sammelan to collect five crores of acres of land through Bhoodan by 1957. Many provinces have since then started work to reach this target of the resolution. The pledge has to be fulfilled and the target reached before 1957. Therefore, it has become necessary that the movement should advance at a greater pace and the workers should put in added efforts with greater zeal.

But be it remembered always that it is not our intention that we should reach the target somehow or other by any means. The basic principle behind the mission has to be firmly implanted in the hearts of the people.

The existing economic disparities in our society have to be resolved and a new social order has to be created in which the difference between individual and individual is brought down to the minimum. In this new order of society there shall not be any kind of exploitation or domination of the State authority over the people who shall enjoy full freedom and equality. So the worker should take the maximum care to see that the donors fully understand and accept the message and its implication while offering the *Dans*.

The humble declaration made at Seva puri Sammelan is but a token pledge. Yet it has created a new atmosphere. It has inspired in the minds of the people the new concept that land does not belong to any individual and that it belongs to God, in other words

*Suresh Ram. *Vinoba and his Mission*. Kashi, A.B.S.S.S., 1954. P. 324—326.

to the community in common. This new concept relating to the ownership of land has to be extended to the ownership of other properties in the possession of individuals. This will bring economic and human values. The Bhoodan movement is the first step towards this economic revolution.

It has become clear that Bhoodan Yajna by itself is not enough. It has created a revolutionary urge amongst the people. So naturally people would be anxious to have a full picture of the ideal social order that the Sangh aspires to create through *Gram Raj*. Therefore, the distribution of land has to be made in such an ideal and planned way which will make the people learn and actually feel that land should remain in the possession of the actual tiller alone.

Sadhan-dan, gift of subsidiary means of production becomes necessary for the rehabilitation of the landless peasants. Naturally the next step to Bhoodan is *Sampattidan*. The basic principle behind *Sampattidan Yajna* is that such means of production as are not directly in the hands of the producer should vest in the society or village community. In other words the wealth of the nation should not remain in the hands of individuals but should become the common wealth of the community for the benefit of all. The one-sixth share now claimed by way of *Sampattidan* is the first step taken. It leads to the recognition of the principle that any individual possessing property and wealth is not its owner but only a trustee holding them for the whole community.

The mere increase of the production will not develop or generate the *Lok shakti* of the nation. Nationalisation and ruralisation are not by tl emselves sufficient. Decentralised economy and self-sufficiency is the only way of means to make the people economically self-dependent. Under the present condition in our country decentralised self-sufficient economy is impossible to be achieved without encouraging village industries. It was with this idea that the boycott of articles processed by centralised industries relating to food and cloth was incorporated in the resolution at Sevapuri Sammelan.

The world it today enveloped in a horrible conflict. It is struggling for a way for peace. But it is continually preparing for war. It is terrified with the peace of scientific advancement and it feels helpless to restrict its destructive power. It sees nothing but despair in the various attempts to bring peace through war and to solve its economic disparities in society through conflicts. It is looking forward to a revolutionary technique of love and friendly co-operation which will result in the advancement of mankind.

The great experiment of Bhoodan for the non-violent economic revolution offering the challenge to mankind and a call for the real values of human life is unique in the history of the world. It contains a message of hope and strength. The Sangh hopes that all those who believe in these new values of life will dedicate their lives to this great revolutionary movement and surrender everything beloning to them. Intensive drive to spread this movement will arouse the spirit of self-reliance among the people." (*April 1954*)

"PURI RESOLUTION"*

"The striking progress made by the Bhoodan movement during the last four years has been widely recognised. The response from the people has been splendid wherever intensive work was done. Greater success would have followed if the movement were carried on more extensively in all parts of the country. Thus it has undoubetdly become people's movement,

But our goal is still far off. We have already pledged ourselves to complete the land revolution by 1957. There are now only two years left before us. We are under a test and trial. The whole world is anxiously watching the onward march of the *Bhoodan Yajna* with great expectations. Non-violence in action is now under trial.

There are many in our country both men and women who have great faith in the Sarvodaya ideal. They are all scattered in the Government service, in various political parties and in the field of multifarious constructive activities. They have, of course, extended their cooperation to the *Bhoodan Yajna* to some extent. Most of their time and energy are absorbed by the activities they are engaged in their own respective spheres. The service they do is no doubt useful and good in their own way. But now the time has come for everyone believing in the Sarvodaya ideal to seriously ponder and ask oneself whether the immediate and urgent need of the day is not the total transformation of the prevailing social order of the day. It is impossible for those who believe in Sarvodaya to be passively silent witness to the violence and injustice of the present social order and sit idle with complacency at the continuance of the *status quo*. The true transformation of society towards the Sarvodaya ideal could come only with a total change in the basic ideas and human values. Whatever change may happen in other respects Sarvodaya order will be impossible without the change in the fundamentals. We have realised that no Government can bring about a change in the ideals and the values of life. It can be

*Suresh Ram. *Vinoba and his Mission*. Kashi, A.B.S.S.S., 1954 p. 326.

effected only by loving persuatsion of the people through the message of Sarvodaya. The Bhoodan movement and its offshoots are but the symbols of the full Sarvodaya ideal in action.

The present age is a challenge to the faith in non-violence. Can the votaries of non-violence refuse to take this challenge ? Our answer to this is already there in our pledge to reach our goal by 1957 and we had already declared that the challenge of the age can be met only through non-violence. At this juncture of a critical trial of non-violence in action the Sarva Seva Sangh appeals earnestly in all humility to everyone who has faith in non-violence and Sarvodaya to suspend all the other activities and to dedicate all his or her time, energy and service for the *Bhoodan Yajna* for a period of two years."—(*March 1955*)

"AGRARIAN REFORMS AND RURAL CREDIT"

The Congress welcomes the emphasis and attention which the development of rural economy has received in the First Five-Year Plan. As a result of a number of measures taken by the Government, there is a gratifying increase in agricultural production. But the manpower and physical resources of the villages are still not being put to full use and employment and standards of living of the rural community still remain far below optimum levels. The major cause of this unsatisfactory situation is the dearth of funds for the production and marketing requirements of agriculture as well as rural industries. The facilities for rural credit must, therefore, be greatly enlarged for short, medium and long term investment. This requires reorganisation of co-operative credit and its development on a much larger scale than has been done so far. In the present circumstances, the success of this programme depends on a more active and extensive participation by the State itself in a co-operative enterprise. The announcement by the Government to nationalize the Imperial Bank is a welcome move in this context.

2. During recent months there has been an abrupt and heavy fall in the prices of a number of agricultural commodities in several areas. Government should take all possible steps to secure reasonable stability in the price-level and to sustain the purchasing power of the people in the rural areas in the interests of general well-being and maximum production.

3. The Congress welcomes the decision of the Government to accelerate the pace of land reforms and to implement the recommendations of the Planning Commission in this connection by means of a phased programme. The Congress expects that the States will

give special attention to this programme and take every possible step for its speedy completion.

60 : 1955 : Avadi : VI.

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"BHOODAN AND SAMPATTIDAN"

The Congress, at its Hyderabad Session, had warmly welcomed the Bhoodan movement started by Acharya Vinoba Bhave. During the last two years, the movement has been able to achieve substantial results by collecting about 36 lakh acres of land and steps are now being taken to redistribute it as expeditiously as possible.

The Bhoodan and Sampattidan movement, apart from tackling certain economic problems, is essentially a moral movement for bringing about a socio-economic revolution voluntarily and through peaceful means, The Congress places on record its deep sense of appreciation of the great work done by Acharya Vinobaji and appeals to all Congressmen to give their fullest co-operation to this movement.

60 : 1955 : Avadi : X.

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"KANCHIPURAM RESOLUTION"*

"The world is beginning to accept non-violence. Science has created a situation in the world where there is no other alternative. Mankind can survive only if it accepts non-violence. Man's minds, however, still have a lingering faith in violence. The world is realising the futility of modern war yet the social and political life continues to accept petty violence. We see it almost every day. On flimsy pretext there is a tendency to break out in violence. The government reacts in the same way. They too believe in small violence. If our aim is to create a peaceful and non-violent society than violence big and small must end.

Workers have to be alert and understand the day-to-day problems and find out a non-violent method of solving them. They must create such an atmosphere in the country where there will be no occasion for violence. Unfortunately if violence breaks out they must rush forth and try to stop it even at the cost of their lives. But a more effective way of creating non-violent atmosphere is to carry out the constructive programme and create the *Swaraj* of Gandhiji's dreams. The Bhoodan movement has shown the way of establishing that *Swaraj*.

Experience of the last five years has been very encouraging. It strengthens the faith of the workers in creating the society of the

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*Suresh Ram *Vinoba and his Mission*. Kashi, A.B.S.S.S., 1954. pp. 328—329.

free and the equal. We feel confident that by 1957 Bhoodan revolution would be successful. We have been able to get 24 lakhs of acres of land in Bihar. This is a proof if any is needed that our appeal is capable of getting proper response. In Orissa nearly thousand villages have been given in Bhoodan and the idea of individual ownership has become shaky. In many villages people have distributed the land on their own initiative. In Madhya Pradesh areas of intensive work have yielded equally satisfactory results. Ordinary workers have been getting and distributing lands without the guidance of leaders.

All this fills us with hope and enthusiasm. Our target now is the creation of Gram Raj of Gandhiji's dreaw. A new society is being created in Orissa. There is no coercion and each individual is getting the fullest opportunity of growth. Individual and social good have ceased to be contradictory. People's self-reliant organisation is Satyagraha. This Satyagraha is the dynamic force behind the new revolution. Economic self-sufficiency, non-violent defence, co-operative economy, basic education and collective lift of the village will be the characteristic of the new society we are trying to build.

We must understand that the climate of public opinion in our country and the world is extremely favourable for such experiments. We must, therefore, exert ourselves and carry the message of Sarvodaya and Gram Raj to every village. Bhoodan propaganda must now include the whole programme of Gram Raj. Redistribution of land was only the first step.

A revolution can never come about if it depends on a few workers. All the men and women in the country have to participate in it. It is to be a countrywide effort. People have shown that they can respond if a proper approach is made to them. We have to create the conviction that peace and happiness can come when man gives everything he has to the society.

This Kanchipuram Sarvodaya Sammelan appeals to the men and women of India to come forward and co-operate in this adventure of constructing a new society of the free and the equal in India. We shall thus be helping in the establishment of world peace." (*May, 1955*).

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"KALADI RESOLUTION"*

The Bhoodan movement has in the process of its progress, reached a very significant stage. It always aimed at a fundamental social transformation. Redistribution of land was only the first step. It is the demand of the Time Spirit that the world should live to-

*Suresh Ram. *Vinoba and his Mission*. Kashi, A.B.S.S.S., 1954. pp 329—330.

gether as one human family. A revolution takes place when men rise to the need of the hour with a determined purpose in response to the call of the times. Gandhiji demonstrated this by forging the weapon of Satyagraha and inspired people to fight for freedom. That brought not only freedom to this country but also introduced non-violence as a force in politics.

Bhoodan was the next step in the Gandhian social technique. Bhoodan introduced non-violence in the economic and social sphere. The ideal of brotherhood has acquired a concrete form and is capable of being realised in practice. Vinobaji has shown a new way of solving social problems by appealing to compassion in the hearts of men. With the realisation that it is not right to eat when one neighbour is starving, people began to give their land for Bhoodan.

The Sarva Seva Sangh undertook under the guidance of Vinobaji to spread the message of Bhoodan throughout the country. It resolved to collect 25 lakhs of acres of land for distribution to the landless. The target was fulfilled before time. Simultaneously the movement acquired a wider horizon. The need for an early solution of the problem of the landless became apparent and it was decided that five crore acres of land should be collected for distribution to all the one crore of landless families in the country.

But even before the fulfilment of the target the movement revealed new possibilities. The landowners in nearly two thousand five hundred villages have given all their land in Gramdan voluntarily and have relinquished their ownership of land. The original target of collecting five acres of land naturally gets absorbed in the new resolve to end private ownership in land together.

We have now to devote our entire energy to Gramdan in 1957. The year 1957 has a revolutionary import in the minds of the people. They have a feeling that some revolutionary social change is imminent. *Gram Raj* of Gandhiji's dream alone can fulfil this aspiration. Gramdan is the foundation of Gram Raj. Gramdan has a general appeal to all thinking men and all political parties in the country have welcomed it. We must, therefore, work for Gramdan with a determination.

To a world that is fear stricken and on the brink of a third World War India can convey this message of peace and love through Bhoodan and Gramdan.

Vinobaji has resolved to continue his walking pilgrimage till Gram Raj is achieved in India. If the nation plunges itself into this movement of Gramdan with enthusiasm it is quite possible to complete this revolution in 1957. We appeal to the people, the political parties in

the country and particularly to all constructive workers to realise the urgency of the situation and to plunge in the Gramdan Movement with all their heart and soul."

May 1957

Extracts From

"PROGRESS OF LAND REFORMS IN INDIA"*

The main aspects of land reforms are :**

(*i*) abolition of intermediaries ;

(*ii*) regulating the landlord-tenant system by fixing fair rent, conferring security of tenure upon tenants, subject to the landlord's right to resume a limited area for personal cultivation, bringing tenants into direct relationship with the State in respect of areas which the landlord is not entitled to resume and conferring ownership upon them ;

(*iii*) re-distribution of land by placing ceilings upon future acquisition and existing holdings and acquiring surplus areas above the ceiling for re-settlement of landless agricultural workers and increasing the size of uneconomic holdings ;

(*iv*) consolidation of scattered holdings into compact blocks and the prevention of fragmentation and diminution of holdings below the economic size ; and

(*v*) development of co-operative farming by which small holdings will be pooled and cultivated jointly to increase the size of the operational unit and make the economies of large-scale organisation available, leading ultimately to co-operative village management.

The main points that emerge out of the above analysis, therefore, are :

1. Steps should be taken immediately to reduce the level of rents in States where it exceeds one-fourth or one-fifth of the gross produce.
2. Effective security should be given to tenants as recommended in the Second Plan and they should be brought

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*Shri Gulzari Lal Nanda, Union Minister for Planning and Labour, submitted a Note on 'Land Reforms in India' to the A.I.C.C. Session held at New Delhi on the 1st and 2nd September, 1957. The Note was later published in the *A.I.C.C. Economic Review* dated September 15, 1957, under the title "*Progress and Land Reforms in India.*" The Note gives a very comprehensive and up-to-date survey of land reforms with regard to abolition of intermediaries, tenancy reforms, security of tenure, ownership rights, ceiling on land, consolidation of holdings, Gramdan and Bhoodan, co-operative farming, land policy, etc.

**Gulzari Lal Nanda, *Progress of Land Reforms in India, New Delhi, A.I.C.C., 1957. p. 26.*

into direct relationship with the State and made owners of non-resumable areas on payment of compensation in easy instalments.

3. Ceiling on existing holdings should be imposed without undue delay.
4. There can be no reason for not immediately imposing ceiling on future acquisition.
5. The legislation and rules should be so framed that they can be effectively enforced and evasion prevented.
6. Effective steps should be taken for the actual enforcement of land reform measures as recommended in the Second Five-Year Plan.

"AGRARIAN ORGANISATIONAL PATTERN"*

The Congress, having considered the Report of the Agricultural Production Sub-Committee, records its general approval of the Report and endorses the recommendations made therein. In particular, the Congress is of opinion that—

(1) The organisation of the village should be based on village panchayats and village co-operatives, both of which should have adequate powers and resources to discharge the functions allotted to them. A number of village co-operatives may form themselves into a union. All permanent residents of the village, whether owning land or not, should be eligible for membership of the village co-operative which should promote the welfare of its members by introducing progressive farming methods and improved techniques of cultivation, developing animal husbandry and fishery and encouraging cottage industries. In addition to providing credit and discharging other servicing functions, it will arrange for pooling and marketing the agricultural produce of the farmers and for storage and godown facilities for them. Both the panchayat and the co-operative should be the spearheads of all developmental activities in the village and more especially, should encourage intensive farming with a view to raising the per acre yield of agricultural produce.

(2) The future agrarian pattern should be that of co-operative joint farming, in which the land will be pooled for joint cultivation, the farmers continuing to retain their property rights, and getting a share from the net produce in proportion to their land. Further, those who actually work on the land, whether they own the land or not, will get a share in proportion to the work put in by them on the joint farm.

*The Indian National Congress at its Nagpur Session on January 10th 1959, passed this resolution. It provoked a considerable amount of thought in the country.

As a first step, prior to the institution of joint farming, service co-operatives should be organised throughout the country. This stage should be completed within a period of three years. Even within this period, however, wherever possible and generally agreed to by the farmers, joint cultivation may be started.

(3) In order to remove uncertainty regarding land reforms and give stability to the farmer, ceilings should be fixed on existing and future holdings and legislation to this effect, as well as for the abolition of intermediaries, should be completed in all States by the end of 1959. This does not mean any ceiling on income, as it is expected that by intensive cultivation as well as by additional occupations, rural incomes will rise. Such surplus land should vest in the panchayats and should be managed through co-operatives consisting of landless labourers and small peasants.

(4) With a view to assuring a fair return to the tiller, a minimum of floor price should be fixed reasonably in advance of the sowing season with respect to each crop, and arrangements should be made to purchase directly, whenever necessary, the crops produced.

(5) The introduction of State trading in wholesale trade in foodgrains is welcomed and should be fully given effect to.

(6) Every effort should be made to bring the uncultivated and waste land into cultivation. The Central Government should appoint a Committee to devise suitable measures for the utilisation of this land.

The Congress trusts that the steps indicated above will be taken by the Central and State Governments at an early stage ; and that the Congress organisation, in co-operation with others, will help in every way to mobilise mass enthusiasm and arouse initiative and a spirit of self-help in the millions of farmers in the country.*

*64 ; 1959 ; Nagpur : 4

CHAPTER II

ARMS ACT (1878)

Note :—The Arms Act (1878) was one of the repressive measures. "It made it a criminal offence to keep, bear or traffic in arms without licence by Indians", "while Europeans, Eurasians, and other White people were exempted from the provisions of the Act." The measure hit very hard the people in the countryside, who badly needed firearms to protect themselves from roaming bands of dacoits and wild animals of prey. This measure of social discrimination was taken by Indians as an insult to their national dignity and an agitation was started for its repeal.

DOCUMENTS :

Extracts from

THE INDIAN ARMS ACT, 1878*

Act No. 11 of 1878

(AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO ARMS, AMMUNITION AND MILITARY STORES)

1. Preliminary

1. This act may be called the Indian Arms Act, 1878; and it extends to the whole of India.

Going armed and possessing arms, etc.

* * *

13. No person shall be armed with any arms except under a licence and to the extent and in the manner permitted thereby.

Any person so going armed without a lincence or in contravention of its provisions may be disarmed by any Magistrate, Police-Officer or other person empowered by (Central Government) in this behalf by name or by virtue of his office.

14. No person shall have in his possession or under his control any cannon or fire-arms, or any ammunition or military stores, except under a licence and in the manner and to the extent permitted thereby.

**The India Code.* 1955, Vol. I, pp. 5-15.

15. In any place to which section 32 of Act No. XXXI of 1860 applies at the time this Act comes into force or to which (the Central Government) may by notification in the Official Gazette specially extend this section, no person shall have in his possession any arms on any description except under a licence and in the manner and to the extent permitted thereby.

16. (1) Any person possessing arms, ammunition or military stores the possession whereof has in consequence of the cancellation or expiry of a licence or of an exemption or by the issue of a notification under section 15 or otherwise, become unlawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police station or at his option and subject to such conditions as the (Central Government) may by rule prescribe, with a licensed dealer.

(2) When arms, ammunition or military stores have been deposited under sub-section (1) or before the first day of January 1920, under the provisions of any law for the time being in force the depositor shall, at any time before the expiry of such period as the (Central Government) may by rule prescribe be entitled :—

(*a*) to receive back any thing so deposited the possession of which by him has become lawful, and

(*b*) to dispose or authorize the disposal of anything so deposited by sale or otherwise to any person whose possession of the same would be lawful ; and to receive the proceeds of any such sale :

Provided that nothing in this sub-section shall be deemed to authorize the return or disposal of any thing the confiscation of which has been directed under section 24.

(3) All things deposited as aforesaid and not returned or disposed of under sub-section (2) within the prescribed period therein referred to shall be forfeited to Government.

(4) The (Central Government) may make rules consistent with this Act for carrying into effect the provisions of this section.

(B) In particular and without prejudice to the generality of the foregoing provision, the (Central Government) may by rule prescribe :—

(*a*) the conditions subject to which arms, ammunition and military stores may be deposited with a licensed dealer, and

(*b*) the period after the expiry of which things deposited as aforesaid shall be forfeited under sub-section (3).

V. LICENCES

17. The Central Government may from time to time by notification in the Official Gazette make rules to determine the officers by whom the form in which and the terms and conditions on and subject to which any licences shall be granted ; and may by such rules among other matter :—

(*a*) fix the period for which such licence shall continue in force ;

(*b*) fix a fee payable by stamp or otherwise in respect of any such licence granted in a place to which section 32, clause 2 of Act No. XXXI of 1860 applies at the time this Act comes into force or in respect of any such licence other than a licence for possession granted in any other place.

(*c*) direct that the holder of any such licence other than a licence for possession shall keep a record or account in such form as the (Central Government) may prescribe of anything done under such licence, and exhibit such record or account when called upon by an officer of Government to do so ;

(*d*) empower any officer of Government to enter and inspect any premises in which arms, ammunition or military stores are manufactured or kept by any person holding a licence of the description referred to in section 5 or section 6 ;

(*e*) direct that any such person shall exhibit the entire stock of arms, ammunition and military stores in his possession or under his control to any officer of Government so empowered ; and

(*f*) require the person holding any licence or acting under any licence to produce the same, and to produce or account for the arms, ammunition or military stores covered by the same when called upon by an officer of Government so to do.

18. Any licence may be cancelled or suspended

(*a*) by the officer by whom the same was granted or by any authority to which he may be subordinate, or by any Magistrate of a district or Commissioner of Police in a presidency town within the local limits of whose jurisdiction the holder of such licence may be, when for reasons to be recorded in writing, such officer, authority, Magistrate or Commissioner deems it necessary for the security of the public peace to cancel or suspend such licence ; or

(*b*) by any Judge or Magistrate before whom the holder of

such licence is convicted of an offence against this Act, or against the rules made under this Act ; and

(the Central Government may by a notification in the official Gazette cancel or suspend all or any licences throughout (India) or any part thereof)

VI. PENALTIES

19. Whoever commits any of the following of offences (namely):—

(*a*) manufactures, converts or sells or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provisions of section 5 ;

(*b*) fails to give notice as required by the same section ;

(*c*) imports or exports any arms, ammunition or military stores in contravention of the provisions of section 6 ;

(*d*) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 10 ;

(*e*) goes armed in contravention of the provisions of section 13 ;

(*f*) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of section 14 or section 15 ;

(*g*) intentionally makes any false entry in a record or account which by a rule made under section 17, clause (*c*) he is required to keep ;

(*h*) intentionally fails to exhibit anything which by a rule made under section 17, clause (*e*) he is required to exhibit ; or

(*i*) fails to deposit arms, ammunition or military stores as required by section 16 ;

shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

20. Whoever does any act mentioned in clause (*a*), (*c*), (*d*) or (*f*) of section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway or to the servant of any public carrier.

And whoever on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

21. Whoever in violation of a condition subject to which a licence has been granted does or omits to do any act is not punishable under section 19 or section 20 be punished with imprisonment for a term which may extend to five hundred rupees or with both.

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorized under the proviso to section 5 to sell the same or delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

23. Any person violating any rule made under this Act and for the violation of which no penalty is provided by this Act shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

24. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel cart or baggage animal used to convey the same and any box, package or bale in which same may have been concealed together with the other contents of such box, package or bale shall be confiscated.

VII. MISCELLANEOUS

25. Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or military stores for any unlawful purpose, or that such person cannot be left in the possession of any such arms, ammunition or military stores without danger to the public peace.

Such Magistrate having first recorded the ground of his belief, may cause a search to be made of the house or premises occupied by such person or in which such Magistrate has reason to believe such arms, ammunition or military stores are or is to be found and may seize and detain the same although covered by a licence in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of a Magistrate or by or in the presence of some officer specially empowered in this behalf by name or in virtue of his office by the (Central Government).

26, The Central Government may at any time order or cause to be seized any arms, ammunition or military stores in the possession of any person notwithstanding that such person is licensed to possess the same and may detain the same for such time as it thinks necessary.

27. The Central Government may from time to time by notification published in the Official Gazette :—

(*a*) exempt any person by name or in virtue of his office, or any class of persons or exclude any description of arms or ammunition or withdraw any part of (India) from the operation of any prohibition or direction contained in this Act ; and

(*b*) cancel any such notification and again subject the persons or things or the part of (India) comprised therein to the operation of such prohibition or direction.

28. Every person aware of the commission of any offence punishable under this Act shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person give information of the same to the nearest Police-officer or Magistrate and every person employed upon any railway or by any public carrier shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person gives information to the nearest Police-officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Act has been or is being committed.

29. Where an offence punishable under section 19, clause (*f*) has been committed within three months from the date on which this Act comes into force in any state, district or place to which section 32, clause 2, of Act XXXI of 1860 applies at such date or where such an offence has been committed in any part of (India) not being such a district, state or place, no proceedings shall be instituted against any person in respect of such offence without the previous sanction of the Magistrate of the district or, in a presidency town, of the Commissioner of Police.

30. Where a search is to be made under the Code of Criminal Procedure or the Presidency Magistrates Act 1877, in the course of any proceeding instituted in clause (*f*) such search shall, notwithstanding anything contained in the said code or Act, be made in the presence of some officer specially appointed by name or in virtue of his office by the (Central Government) in this behalf and not otherwise.

31. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it or from being liable under such other law to any higher punishment or penalty than that provided by this Act: Provided that no person shall be punished twice for the same offence.

32. The (Central Government) may from time to time by notification in the Official Gazette, direct a census to be taken of all fire arms in any local area and empower any person by name or in virtue of his office to take such census.

On the issue of any such notification all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, shall produce such arms to him if he so requires.

Any person refusing or neglecting to produce any such arms when so required shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

33. No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Act without having given him to least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause.*

"That in view of the loyalty of the people, the hardships which the present Arms Act (XI of 1878) causes, and the unmerited slur which it casts upon the people of this country, the Government be moved so to modify the provisions of Chapter IV, and, if necessary, other portions of the said Act, as shall enable all persons to possess and wear arms, unless debarred therefrom, either as individuals or members of particular communities or classes, by the orders of the Government of India (or any local authority empowered by the Government of India on that behalf), for reasons to be recorded in writing and duly published."

3 : 1887 : Madras : VIII

* * *

"That in view of the loyalty of the people, the hardships that the Arms Act (XI of 1878), as at present administered entails, and

*India. Government. *Ministry of Law*. The India Code; being a compilation of unrepealed Central Acts arranged under subjects headings. Delhi, Manager of Publications, 1955, Vol. I (Arms, pages 5—15).

the unmerited slur which it casts upon them, the Government be moved so to modify the rules made under this Act that all restrictions as to the possessions and bearing of arms shall be applied equally to all persons residing in or visiting India; that licences to possess and bear arms shall be liberally and generally distributed wherever wild animals habitually destroy human life, cattle or crops, and that these and all licences issued under the rules shall be granted once for all, shall operate throughout the Provincial jurisdiction within which they are issued, be only revocable on proof of misuse, and shall not require yearly or half-yearly renewals."

5 : 1889 : Bombay : VI

* * *

"That this Congress, concurring with previous Congresses, is of opinion that, to ensure the adequate protection and efficient defence of the country, it is desirable that the Government should conciliate Indian public opinion and encourage and qualify Indians to defend their homes and their Government—

(*a*) By so modifying the rules under the Arms Act, as to make them equally applicable to all residents in, or visitors to, India, without distinction of creed, class, or colour; to ensure the liberal concession of licences wherever wild animals habitually destroy human life, cattle or crops, and to make all licences granted under the revised rules, of life-long tenure, revocable only on proof of misuse, and valid throughout the Provincial jurisdiction in which they are issued :

(*b*) By establishing Military Colleges in India, whereat natives of India, as defined by statute, may be educated and trained for a military career, as commissioned or non-commissioned officers (according to capacity and qualifications) of the Indian army :

(*c*) By organising, throughout the more warlike races of the Empire, a system of militia service : and

(*d*) By authorizing and stimulating a widespread system of volunteering, such as obtains in Great Britain, amongst the people of India."

7 : 1891 : Nagpur : IV

* * *

(*e*) A modification of the rules under the Arms Act so as to make them equally applicable to all residents in, or visitors to, India without distinction of creed, caste or colour; to ensure the liberal concession licences whorever

wild animals habitually destroy human life, cattle or crops ; and to make all licences, granted under the revised rules, or life-long tenure, revocable only on proof of misuse, and valid throughout the Provincial jurisdiction in which they are issued ;

11 : 1895 : Poona : XXII

* * *

"(*b*) a modification of the rules under the Arms Act so as to make them equally applicable to all residents in, or visitors to, India without distinction of creed, caste or colour ; to ensure the liberal concession of licences wherever wild animals habitually destroy human life, cattle or crops ; and to make all licences granted under the revised rules of life-long tenure, revocable only on proof of misuse, and valid throughout the Provincial jurisdiction in which they are issued.'

14 : 1898 ; Madras : XX

* * *

"In view of the hardship entailed by the Arms Act (XI of 1878) as at present administered, and the unmerited slur which it casts upon the people of this country, this Congress is of opinion that the said Act and the rules made thereunder should be so modified, that all restrictions as to the possession and bearing of arms shall apply equally to all persons residing in or visiting India ; that all licences issued under the rules shall be granted once for all, shall operate within the provincial jurisdiction within which they are issued, shall be revocable only on proof of misuse and shall not require yearly or half yearly renewals."

29 : 1914 : Madras : VII

* * *

"In view of the hardship entailed by the Arms Act (XI of 1878) as at present administered and the rules made thereunder and the unmerited slur which it casts upon the people of this country, this Congress is of opinion that the said Act and the rules made thereunder should be so modified that any restrictions which may be considered necessary as to the possession and bearing and use of arms shall apply equally to all persons residing in or visiting India, and that all licences should be liberally issued, shall not require renewal, shall operate within the whole of the province concerned and shall be revocable only on proof of misuse."

30 : 1915 : Bombay : IX

* * *

"That in the opinion of this Congress, the Indian Arms Act should be repealed and Indians should be entitled to possess and use arms on conditions similar to those which prevail in England, power being reserved to Local Governments to impose such restrictions as they may from time to time deem fit in the case of particular areas or tribes."

31 : 1916 : Lucknow : VI.

* * *

"(*a*) That this Congress urges the repeal of the Indian Arms Act and demands that no distinction be made between the Indian and European subjects of His Majesty as regard the terms and conditions on which they may be permitted to possess and use arms.

(*b*) That this Congress is strongly of opinion that Indians in the Crown Colonies and the Self-Governing Dominions should be placed on a footing of absolute equality with other subjects of His Majesty."

32 : 1917 : Calcutta : X

* * *

"This Congress congratulates General Manchershaw Avari, leader of the Arms Act Satyagraha movement of Nagpur and his followers on their sturdy patriotism and self-sacrifice and expresses the deepest sympathy of the nation on the 75th day of the hunger-strike of Avari."

42 : 1927 : Madras : VII.

* * *

"Can muscular power be developed when a whole nation is disarmed by the outrageous Arms Act ? Impossible, when we are deprived of the right of defending our country by our own muscle. Muscular development is a dream, that can be never realised until the Government removes the restrictions of the Arms Act. They are making administration of that act more and more stringent in every part of India. This Arms Act, we owe to the administration of Lord Lytton. During the electioneering campaign that followed the dissolution of the Beaconsfield Cabinet in 1881, Mr. Gladstone attacked most strongly the Vernacular Press Act, the Arms Act and the Kabul War during the administration of Lord Lytton in India. When Mr. Gladstone got into power, he sent out his chosen man, Lord Ripon, to this country to undo the evil that had been done by the Beaconsfield administration. Lord Ripon came and went away, but the Arms Act remained and it remains as ever to-day."*

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*Pal, Bipin Chandra. *Swadeshi and Swaraj.* (The Rise of New Patriotism) Calcutta-6. Yugayatri Prakashak Limited, 1954. p. 171.

See also DEFENCE

CHAPTER III

"BENGAL, PARTITION OF"

Note. Lord Curzon found that the administration of Bengal was becoming more and more onerous and this burden was too much for the Lieutenant-Governor to bear. Moreover he found that in practice the interests of those districts lying east of the Ganges did not command that amount of attention at the hands of the official which they were entitled to. For these and other stated reasons, he determined to bring about the partition of Bengal into East and West. It was unfortunate that he allowed this most unpopular measure to be announced by his innocent successor. The partition was a blunder. It injured the feelings of one of the most emotional people in the world. There was fierce agitation in the country. The Bengal politicians managed to win the sympathies of the whole of India on their side. It may be said that out of the travails of Bengal, Indian nationalism was born. "The partition struck both at the dignity of the Bengali nation and at the nationhood of the Indian motherland in whose honour the old invocation to the Goddess Kali, *Bande Mataram* or 'Hail to the Mother' acquired a new significance and came to be used as the political war-cry of Indian nationalism. In the Independent India "Bande Mataram" is our National Anthem.

* * *

"That this Congress views with deep concern the present policy of the Government of India in breaking up territorial divisions which have been of long standing and are closely united by ethnological, legislative, social and administrative relations and deprecates the separation from Bengal to Dacca, Mymensingh, Chittagong Division and portions of Chota Nagpur Division and also the separation of the District of Ganjam and the agency tracts of the Ganjam and Visagapatam Districts from the Madras Presidency."

19 : 1903 : Madras : IX

* * *

"That this Congress records its emphatic protest against the proposal, of the Government of India, for the Partition of Bengal in any manner whatsoever, that the proposals are viewed with great

alarm by the people as the division of the Bengali nation into separate units will seriously interfere with its social, intellectual and material progress, involving the loss of various constitutional, and other rights and privileges which the Province, has so long enjoyed and will burden the country with heavy expenditure which the Indian taxpayer cannot at all afford."

"The Congress is of opinion that no case has been made out for the Partition of Bengal, but if the present constitution of the Bengal Government is considered inadequate for the efficient administration of the Province, the remedy lies not in any redistribution of its territories, but in organic changes in the form of the Government, such as the conversion of the Lieutenant-Governorship of Bengal into Governorship with an Executive Council like that of Bombay and Madras."

20 : 1904 : Bombay XIV.

* * *

"That this Congress records its emphatic protest against the Partition of Bengal in the face of the strongest opposition on the part of the people of the province.

That having regard to the intense dissatisfaction felt by the entire Bengali Community at the dismemberment of their province and their manifest disinclination to accept the partition as an accomplished fact, this Congress appeals to the Government of India and the Secretary of State to reverse or modify the arrangements made, in such a manner as to conciliate public opinion and allay the excitement and unrest present among all classes of the people.

That this Congress recommends the adoption of some arrangement which would be consistent with administrative efficiency and would place the entire Bengali community under one undivided administration."

21 : 1905 : Banaras : XII.

* * * *

"That this Congress records its earnest and emphatic protest against the repressive measures which have been adopted by the authorities in Bengal after the people there had been compelled to resort to the boycott of foreign goods as a last protest and perhaps the only constitutional and effective means left to them of drawing the attention of the British public to the action of the Government of India in persisting in their determination to partition Bengal in utter disregard of the universal prayers and protest of the people."

21 : 1905 : Banaras : XIII.

* * * *

"That this Congress again records its emphatic protest against the Partition of Bengal, and regrets that the present Government, while admitting that there were errors in the original plan, and that it went wholly and decisively against the wishes of the majority of the people of Bengal, is disposed to look upon it as a settled fact, in spite of the earnest and presistent protest of the people, and their manifest disinclination to accept it as final ;

That this Congress, composed of representatives from all the provinces of this country, desires earnestly to impress upon the British Parliament and the present Liberal Government that it will be not only just, but expedient, to reverse or modify the partition in such a manner as to keep the entire Bengali-speaking community under one undivided administration, and thus restore contentment to so important a province as Bengal."

22 : 1906 : Bhowanipur ; VI

* * * *

"That this Congress earnestly appeals to the Government of India and the Secretary of State for India to reverse the Partition of Bengal, or to modify it in such a manner as to keep the entire Bengali-speaking community under one and the same administration.

That this Congress is of opinion that the rectification of this admitted error will restore contentment to the Province of Bengel, give satisfaction to the other provinces and instead of impairing, will enhance the prestige of His Majesty's Government throughout the country."

23 : 1907 : Nagpore : V.

* * * *

"This Congress earnestly appeals to the Government of India and the Secretary of State for India to reverse the Partition of Bengal or to modify it in such a manner as to keep the entire Bengali-speaking community under one and the same administration.

This Congress is of opinion that the rectification of this admitted error will restore contentment to the Province of Bengal, give satisfaction to the other Provinces and instead of impairing, will enhance the prestige of His Majesty's Government throughout the Country."

23 : 1908 : Madras : V.

* * * *

"Having regard to the recent deportations and the grave risk of injustice involved in Government action based upon *ex-parte* and untested information and having regard to the penal laws of country, this Congress strongly urges upon the Government the repeal of the

Bengal Regulation III of 1818 and similar Regulations in other Provinces of India ; and it respectfully prays that the persons recently deported in Bengal be given an opportunity of exculpating themselves or for meeting any charges that may be against them, or be set at liberty."

23 : 1908 : Madras : X

* * * *

"That this Congress earnestly appeals to the Government of India and the Secretary of State for India, not to treat the question of the Partition of Bengal as incapable of reconsideration, but to take the earliest opportunity so to modify the said Partition as to keep the entire Bengali-speaking community under one and the same administration

That this Congress humbly submits that the rectification of this admitted error will be an act of far-sighted statesmanship. It will restore contentment to the Province of Bengal, give satisfaction to other Provinces, and enhance the prestige of His Majesty's Government throughout the country.

That this Congress appoints Messrs. Surendranath Bannerji and Bhupendranath Bose to proceed to England as a deputation to lay the question of the Partition before the authorities and public there."

24 : 1909 : Lahore : VIII

* * * *

"That (*a*) this Congress [earnestly appeals to the Government of India and the Secretary of State for India not to treat the question of the Partition of Bengal as incapable of reconsideration, but to take the earliest opportunity so to modify the said Partition, as to keep the entire Bengali-speaking community under one and the same administration ;

(*b*) this Congress humbly submits that the rectification of this admitted error will be an act of far-sighted statesmanship. It will restore contentment to the Province of Bengal, give satisfaction to other Provinces, and enhance the prestige of His Majesty's Government throughout the country."

25 : Allahabad : 1910 : X

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"That this Congress respectfully begs leave to tender to His Imperial Majesty the King-Emperor an humble expression of its profound gratitude for his gracious announcement modifying the Partition of Bengal. The Congress also places on record its sense of gratitude to the Government of India for recommending the modi-

fication, and to the Secretary of State for sanctioning it. In the opinion of this Congress, this administrative measure will have a far-reaching effect in helping forward the policy of conciliation with which the honoured names of Lord Hardinge and Lord Crewe will for ever be associated in the public mind."

26 : 1911 : Calcutta : II

* * * *

"That this Congress desires to place on record its sense of profound gratitude to His Majesty the King-Emperor for the creation of a separate Province of Bihar and Orissa under a Lieutenant-Governor in Council, and prays that in re-adjusting the Provincial boundaries the Government will be pleased to place all the Bengali-speaking districts under one and the same administration."

26 : 1911 : Calcutta : III

* * * *

"THE TWO BENGALS*"

"There were several causes which led to the organisation of the agitation against the partition. The first and most immediate was as Sir Andrew Fraser has pointed out, that it seemed likely to strike at two vested interests. One was the Calcutta Bar. The other was Calcutta native newspapers. They feared that the regeneration of Dacca would bring about the foundation of fresh newspapers at the capital of the new province, and that the people of Eastern Bengal would then turn to Dacca for their news rather than to Calcutta.

Behind the influence of the bar and the newspapers lay all the vindicative animosity which had been aroused against Lord Curzon among educated Bengalis by the Universities Act. The wirepullers had been searching for a pretext to attack him, and they found it in the partition. Then there was the undoubted growth of a certain unity of sentiment among Bengali Hindus, upon which I have no intention of casting ridicule. The Bengalis have many admirable qualities ; they constitute a substantial proportion of the people of India ; they are excitable and easily led ; but they are as God made them, and we shall not make the task of administration easier by treating them with a contempt they do not deserve.

There remains Mr. Surendra Nath Banerjee, the ostensible leader of the public movement against partition, an emotional orator who was swept off his feet by the storm he raised but was unable to quell.

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*Fraser Lovat, *India under Curzon and After*, London, William Heinemanna, 1911. pp. 384-386.

By far the most serious and potent influences which fomented and kept alive the agitation against the partition of Bengal came from England. They began with a telegram from Mr. Brodrick to Lord Curzon on August 16, 1905, upon his resignation."

"THE PARTITION OF BENGAL"*

On July 20,1905, the announcement was made that Bengal was to be partitioned, and the public were informed of the details of the partition. For the first time they learnt that North Bengal with all its historic associations was to be separated from the old province. The announcement fell like a bomb-shell upon an astonished public. But in our bewilderment we did not lose our heads. We made up our minds to do all that lay in our power, with the aid of the constitutional means at our disposal, to reverse, or at any rate to obtain a modification of the partition.

We felt that we had been insulted, humiliated and tricked. We felt that the whole of our future was at stake, and that it was a deliberate blow aimed at the growing solidarity and self-consciousness of the Bengali-speaking population. We felt that it had drawn to itself a political flavour and complexion, and if allowed to be passed, it would be fatal to our political progress and to that close union between Hindus and Mohammedans upon which the prospects of Indian advancement so largely depended. For it was openly and officially given out that Eastern Bengal and Assam was to be a Mohammedan province, and that credal distinctions were to be recognized as the basis of the new policy to be adopted in the new province.

We lost no time in taking action. We held a conference at Maharaja Jotindra Mohon Tagore's palace at Pathuriaghatta.

The Conference at the Maharaja's palace was followed by almost daily conferences held in the Indian Association Rooms or at the house of Maharaja Surya Kant Acharya of Mymensingh. It was resolved to hold a public meeting at the Town Hall on August 7, a day that was destined to become famous in the history of the anti-partition controversy. Letters were sent to the mofussil, inviting delegates to be present at the meeting. The response was unanimous and enthusiastic.

The resolutions to be adopted at the meeting of August 7 were the subject of anxious and prolonged discussion at the various conferences, which were attended by leading men from East ond North Bengal. It was felt that more public meetings would be of no use. Lord Curzon's Government had shown a systematic disregard of

*Banerjea, Sir Surendranath. A Nation in Making ; being the reminiscences of fifty Y rs ublic life. London, Humphrey Milford, Oxford University Press, 1925 pp. 187-89.

public feeling, and had treated public demonstrations with undisguised contempt."

"THE PARTITION OF BENGAL"*

"As the agitation began to increase Lord Curzon grew more and more nervous ; while public criticisms both in the Press as well as on platforms gradually made him more and more relentless.

The meeting after reviewing the entire administration of Lord Curzon passed Resolution condemning all his retrograde proceedings culminating in the proposal for the disruption of an advanced province and of an extremely sensitive people passionately attached to their country. This was the first time when the people met openly to pass a vote of censure upon a Viceroy. This was of course for an equally sensitive Viceroy, to tolerate and descending from the proud pedestal of a Viceroy Lord Curzon assumed the role of a political agitator which he had so strongly condemned in his convocation speech. Fully resolved to crush this new spirit by dividing the people against themselves Lord Curzon proceeded to East Bengal and there at large meetings of Mohammedans, specially convened for the purpose explained to them that his object in partitioning Bengal was not only to relieve the Bengal administration, but also to create a Mohammedan province, where Islam would be predominant and its followers in the ascendancy, and that with this view he had decided to include the two remaining districts of the Dacca Division in his scheme. The Mussalmans of East Bengal headed by Nawab Salimullah of Dacca saw their opportunity and took the bait. Henceforth the Mohammedans of Eastern Bengal forgetting the broader question of national advancement and ignoring the interests of their own community in Western Bengal deserted the national cause and gradually began to secede from the anti-partition agitation. It is, however, only fair to admit that the most cultured and advanced among the Mussalmans did not flinch and speaking at the Congress of 1906 Nawabzada Khwajah Atikullah, the brother of Nawab Salimullah openly said, "I may tell you at once that it is not correct that the Mussalmans of Eastern Bengal are in favour of the partition of Bengal ; the real fact is that it is only a few leading Mohammedans who for their own purposes supported the measure." The Central Mohammedan Association in Calcutta in submitting its opinion to the Government through its Secretary, the late Nawab Ameer Hussain, C.I.E. observed ; "My committee are of opinion that no portion of the Bengali-speaking race should he separated from Bengal without the

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*Mazumdar, A.C. *Indian National Evolution*, Madras, G.A. Natesan, 1915, P. 220-223.

clearest necessity for such separation, and they think in the present case such necessity does not exist."

The agitation, however, went on in course of which hundreds of memorials were submitted to Government as well as to the Secretary of State, one of which was submitted over the signature of 70,000 people of Eastern Bengal. But the Government maintained an attitude of mysterious silence until July, 1905, when a Government notification suddenly announced that the Secretary of State had sanctioned the partition with effect from the 16th October, 1905 and that the new Province was also to include the six districts of Northern Bengal. The people of Bengal would not, however, yield and took courage from despair."

"UNITY OF BENGAL PARTITION"*

"What is this movement due to ? What are the forces of its strength and inspiration ? What are the forces that lie hidden at the root of this movement ? What is this movement desires to achieve and how does it propose to achieve that end ? Reference, gentlemen, has been made to the partition of Bengal. Allow me to tell you that the significance of that measure has been considerably exaggerated outside Bengal. It has been, I confess, exaggerated also to some extent even by a section of the Bengali Press. The Partition was an evil measure, the Partition was hateful measure. The Bengalis hated to be divided from their own people, the Eastern Province from the Western Province. We have been living together for how many centuries past nobody knows ; we have developed a peculiar culture of our own through a common language and a common literature. Belonging though, no doubt, to the wide life of Indian Hindus and Indian Moslems, yet Bengal Hinduism has its own peculiarity, as the Moslem ideal and culture of Bengal have also their own peculiarity. Bengal has been for many centuries past a nation speaking one language, belonging to one civilization, practically trying to develop one culture, and this original unity based upon the unity of language, religion, civilization and culture, developed and grew, thank God, under the community of civic and political interests. Ever since the establishment of British rule in India, we had been governed practically by one and the same laws, ruled by the same administration ; and our political life has, all these years, been controlled by one single policy. Suddenly, however, the Province, united in language, united in past historic associations, united in civilization and culture, united in a common law and administration, this province was proposed to be cut into two, which

*Pal, Bipinchandra, *Swadeshi and Swaraj* (The Rise and New Patriotism) Calcutta-6, Yugayatri Prakashak Limited. 1954 p. 119-125.

gave offence to us. It pained us. We cried, we prayed, we petitioned, we protested, but all to no purpose (cries of shame) and the administrative will, I will not call administrative necessity because we do not recognise the necessity—the administrative will had its way. And on the 16th October, 1906 two provinces were made out of the province of Bengal. The measure was carried out with almost indecent haste and the reason of the haste was this. Judging from the past experience of Indian Political life and agitation, the Government of Lord Curzon evidently believed, that, as long as the measure was not carried out, so long only would this agitation continue. But once it became a "Settled fact," the agitation also would quietly like all previous agitations more or less settle down. That was the idea which the Viceroy made of the situation. For one, superior wisdom was blinded, superior intelligent failed to see through the outer garb and gathering of popular agitation and popular excitement, and the agitation against partition instead of subsiding, as previous agitations had done, when it was found that they would do no good, continued, it increased, it expanded ; it attacked and covered new grounds. It developed new forces and it applied these new forces to the solution of the problem before itself. (Hear, hear.)

THE AGITATION AGAINST PARTITION

Whence came this new inspiration, this new force ? Truth to say, we soon recognised that it is not in the power of the Government, much less is it in the power of an alien Government to divide a people whom God has united. (Hear, Hear, Hear,). They might with their pen, dipped in red ink, pass a line on the administrative map of the province, (Hear, Hear) add fresh labours to the draftsmen in the Survey Department of the Government. But the stroke of the pen cannot cut the nation into two. The stroke of the pen, though it wounds, wounds in other ways than by cutting things into two's and three's, twenty's and thirty's. If it were possible for a stroke of the pen to cut up anything, why we have been applying this stroke, my friend in the chair and I, a humble follower of his (Cheers). We have been cutting administration remains all the same. We pierce officials by this instrument but the officials remain all the time hale and hearty. So that when Lord Curzon passed his gubernatorial pen, cut the province of Bengal in two, Bengal remained one, and all that this attempt did was to create a deathless determination in the people to continue to be one to the end of their life. (Hear, hear). So, really the partition measure failed, and failure of it was confirmed by the proceedings of the public meeting that we held in Calcutta on the 7th Angust, 1905. I was addressing an overflow meeting on that memorable evening from the steps of the Calcutta

Town Hall. The audience was as large as this, and when I saw that audience the idea struck me that it would be very good thing if the Viceroy's astral body cou'd descend from Simla and take its position on the top of the banyan tree that we have near Town Hall, and if it could see from the top of that tree the crows that had gathered, and declared their determination to undo the partition measure. If he could have seen it, he might have known and understood from evidence how Bengal was being partitioned by him. No gentlemen, the partition has failed. Mr. Morley says it is a settled fact. History declares that it is a settled failure (Cheers), and I think settled that failure is as good an expression as "Settled fact". (Hear, hear). Now, the partition has failed and we do not care whether the partition goes or whether it remains."

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BHAVE, VINOBA

See Agriculture and Land Reforms.

BHOODAN

See Agriculture and Land Reforms.

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BOYCOTT MOVEMENT

See **CIVIL DISOBEDIENCE MOVEMENTS—I-V.**

BRITISH COMMITTEE OF INDIAN NATIONAL CONGRESS

See **POLITICAL PARTIES**—*Indian National Congress*

CABINET MISSION

See **CONSTITUTIONAL REFORMS**

CASTE SYSTEM

See **COMMUNALISM**
SOCIAL REFORMS

CHAURI CHAURA

See **CIVIL DISOBEDIENCE MOVEMENTS—I-IX**

CHAPTER IV

CIVIL DISOBEDIENCE MOVEMENT

Note :—Between 1917 and 1942 the following nine Civil Disobedience Movements were launched in India mainly by Mahatma Gandhi and his followers. A brief account of "Satyagraha in South Africa 1906-1913", has also been included in this study because it is considered as a part of India's struggle for freedom.

1. Satyagraha in South Africa 1906-1913.
2. Champaran Satyagraha, 1917.
3. Kheda or Kaira Satyagraha, 1918.
4. Rowlatt Act-Satyagraha, 1919.
5. Non-violent Non-co-operation, August 1, 1920.
6. Salt Satyagraha (or Dandi March, March 12, 1930)
7. Non-violent Non-co-operation, December 31, 1931-34.
8. Individual Satyagraha, October, 1940.
9. "Quit India" Movement August 9, 1942.

1. Satyagraha in South Africa, 1906-1913

This Civil Disobedience Movement was the first Satyagraha, Mahatma Gandhi launched against the Asiatic Law Amendment Ordinance in South Africa.

2. Champaran Satyagraha, 1917

It was the first Satyagraha Mahatma Gandhi launched in India to improve the lot of peasants and workers in Champaran (Bihar) who were exploited by the European indigo planters.

3. Kheda or Kaira Satyagraha, 1918

This Satyagraha was also started by Mahatma Gandhi for the betterment of peasants of Kaira, a district in Gujarat.

4. Rowlatt Act Satyagraha, 1919

This was first mass Satyagraha which was launched against the Rowlatt Bill, on All India basis.

5. Non-violent Non-co-operation, August 1, 1920

In 1919 Gandhi was the undisputed and recognized leader of the Indian Nation and the basis of his non-violent, non-co-operation movement was psychological and ethical. The programme suggested by Gandhi included :

(*i*) Surrender of titles and honorary offices and resignation from nominated seats in local bodies.

(*ii*) Refusal to attend government *darbars* and official functions held by the government officials in their honour.

(*iii*) Gradual withdrawal of children from schools and colleges owned, aided, controlled by Government and establishment of national schools and colleges in the various provinces.

(*iv*) Gradual boycott of British courts by lawyers and litigants and establishment of private arbitration courts for the settlement of disputes with the aid of lawyers.

(*v*) Refusal for recruitment in military.

(*vi*) Withdrawal by candidates of their candidature for election to the Reformed Councils.

(*vii*) Adoption of Swadeshi and revival of hand spinning in every home.

6. Salt Satyagraha or Dandi March

Salt Satyagraha campaign started by Mahatma Gandhi was a symbolic resistance, in order to stir energies of the nation. It kindled in the hearts of teeming millions of India fire of patriotism and marked the beginning of a great movement of emancipation. Mr. H. N.Brailsford, a British socialist who was in India in 1930, described Salt Satyagraha as the "Kindergarten stage of revoluttion.*

Giving a vivid account of the Satyagraha D. G. Tendulkar said that Mahatma Gandhi decided to start Salt Satyagraha with the members of his *asharam* at sea-side village, Dandi about two hundred miles from Sabarmati. Vallabhbhai Patel moved in advance and his arrest on 7 March roused Gujerat from its temper. About 75,000 peasants gathered at Sabarmati to take a solemn pledge not to rest in peace till India was free. On 12th March, early at day break Gandhiji accompanied by a trained contingent of seventy-eight, began his ceremonial March.**

It took no time to the Government of India to realize seriousness of this terrible movement. The whole machinery of terror and suppression was put into motion by promulgating drastic ordinances. The Indian National Congress was declared as an unlawful organization and its property was confiscated. Hardly within five months after the movement was started 55 nationalist papers and Presses had been suppressed.

7. Non-violent Non-co-operation, December 31, 1931-1934

The failure of the Round Table Conferences, promulgation of five new ordinances, arrest of many eminent Congress leaders and refusal by the Viceroy to see Mahatma Gandhi to start this move-

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*Brailsford, H. N., Robed India 23.

**Tendulkar, G.G., Vol. III, P. 30.

ment. The British Government in order to crush the national movement for ever promulgated thirteen ordinances which were characterized by Sir Samuel Hoare, the Secretary of State as drastic. In order to check the Government's efforts Gandhi undertook self-purificatory fast of twenty-one days. The movement after some time grew slack. Ultimately he had to suspend the mass movement but civil disobedience was retained as a matter of national prestige.

The suspension of mass movement brought into being a jolt in the minds of a few Congressmen. They felt disappointed and some of them were rather bewildered at the Gandhian technique. The far reaching effects of the movement were many and important. After the Bombay session the Congress approved the programme of Council Entry. It was also decided that the Congressmen should use their energies for the success of the "Constructive Programme".

8. Individual Satyagraha, October, 1940

Individual Satyagraha is called Individual because Gandhi "gave the right to individuals chosen by himself for the character, public work and belief in non-violence to offer civil disobedience by preaching against war and courting imprisonment." Shri R. R. Diwakar defines it "Quality Satyagraha" because chosen men and women with certain definite qualifications alone were eligible to offer Satyagraha. During the Satyagraha about 30,000 selected people of India courted jail and six lakhs (six hundred thousand) rupees were levied as fines by the Government of India.

Gandhi inaugurated the Individual Satyagraha on October 17, 1940 at a village near Wardha and he had chosen Vinoba Bhave as the first Satyagrahi. The Government as usual took a very stiff attitude to suppress the Satyagraha.

9. Quit India Movement, August 9, 1942

The Quit India Movement started when on August 9, 1942, the Government of India arrested Mahatma Gandhi, Nehru and other national leaders because the Indian National Congress passed the "Quit India" resolution, in its Bombay Session on August 8, 1942. "The aim of the *Quit India* resolution was to bring about conditions under which India could effectively participate in the War efforts of the Allies."*

This resolution was passed by the Congress at a very critical period of the war when the cause of the Allies almost seemed desperate. It also produced a false impression that the Congress leadership was pro-Japanese. Pandit Nehru had to warn Mahatma

*Gandhiji's correspondence with the Government 1942-44, p. XVII.

Gandhi about the sentiment.* The Government of India decided to root out the Nationalistic sentiments from the hearts of the Indian people and Mr. Churchill's injustification of official policy declared that he had not become the King's first minister "in order to preside over the liquidation of the British Empire". The Indian Government did her best to suppress the movement but failed to do so. Eminent leaders of other political parties joined Gandhi in his demand for an enquiry into military and police atrocities by an impartial tribunal. The government rejected the demand which led Gandhi to undergo 21 days' fast from 9th February, 1943. On 17th February when his condition grew very critical Sir H. P. Mody, Mr. M. R. Jaykar and Mr. M. S. Aney resigned from the Executive Council.

There was countrywide agitation for his release. But the Government was determined not to let him off. Tendulkar in his *Mahatma* at page 248, of volume VI mentions that the Government had stocked enough sandal wood for Gandhiji's cremation. At this very critical time, the Home Member of the Government of India brought out the official charge sheet against the Congress, "*Congress Responsibility for the Disturbances 1942-43.*" But at the end of the war the political conditions of India were such that England could not afford to antagonise it for ever by dismissing it to the extremity of armed resistance and rebellion. Ultimately Lord Wavell who took over as Viceroy on 20th October, 1943, proposed a political conference with leaders of different parties to set up a representative interim government at the Centre. It was the function within the existing constitution until a new Government based on a new constitution came into force.

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"SATYAGRAHA IN SOUTH AFRICA 1906-1913"

"The first mass Satyagraha and the most important, in historical perspective was launched by Gandhiji in South Africa in 1906, to fight the organized discrimination of the South African Whites against Indians who had settled there. Refusal to register, to give finger-prints and to receive permits which Gandhiji claimed would stigmatize the Indian community in South Africa as criminal was followed by wholesale arrests. In January, 1908 General Smuts promised to repeal the Ordinance and validate registration if the Indians would register voluntarily. An agreement was reached, and Gandhiji and others were released from jail.

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* Tendulkar, D.G., Mahatma, Vol. VI, page 110.

But when General Smuts did not carry out his agreement, when the ordinance was not repealed, and when new legislation was introduced barring all further Indian immigration, the resumption of the struggle became inevitable.

"On September 16, 1908 two thousand registration certificates were burned in Johannesburg on a public bonfire. The fight was on. Fines, imprisonments, floggings and firing were followed in 1913 by a High Court Judgment invalidating all Indian marriages as not in accordance with the local law. The agitation finally culminated in the classic invasion of the Transvaal on the morning of the November 6, 1913. The position of the Union Government became intolerable, and by the end of July, 1914 the Indian Relief Bill was passed repealing the three pound poll tax, validating Hindu and Muslim accepting the domicile certificate as conclusive evidence of citizenship. An eight-year struggle, unique in the history of world, ended with justice. It provided the experience and techniques for Gandhiji's subsequent campaigns in India."*

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"CHAMPARAN SATYAGRAHA, 1917"

"The Satyagraha had its beginnings in the South African struggle, where in order to improve the hard lot of his countrymen, Gandhiji launched a heroic campaign which ended successfully in the Gandhi-Smuts Agreement. Champaran in Bihar drew his attention next. The European indigo-planters, who were the owners of big estates in the district, charged from tenants an increase of 45 to 75% of rent, in lieu of a release from indigo cultivation, which due to the advent of cheap synthetic dyes, became unprofitable. In cases of temporary lease-holders, huge lump sums were charged. This brought incalculable hardship on the poor tenants. Gandhiji's intervention resulted in the passing of the Champaran Agrarian Act (1918), which saved the tenants from brutal exploitation.

"It was at Champaran, a district in the north-western corner of Bihar, that Gandhiji initiated his new method in India, in April 1917. It had come to Gandhiji's attention that the European indigo-planters in Champaran had practically set up a super government which was shamelessly exploiting the defenceless peasants. Extortion was rife and terrorism was rampant. Gandhiji, therefore, decided to visit Champaran for the purpose of making an independent investigation.

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*Diwakar, R.R. Satyagraha : The Power of Truth, Hinsdale, Illinois Henry Regnery Co., 1948. pp. 71-72.

"He reached Motihari, the district headquarters on April 17. Immediately on arrival, he saw the authorities and told them what he planned to do. He saw the Secretary of the Planters' Association as well. Both were, of course, unsympathetic. He was about to proceed to a village to begin his investigations when he was served with an order to quit the district, on the obviously false plea that his presence would result in disturbing the peace.

"Gandhiji decided to disregard the order and intimated his intention to the magistrate. He said he would stand his trial for disobeying the order, but the burden of removing him from the people whom he had come to serve would fall on the government. He was summoned to court and pleaded guilty to the charge of disobedience of the magisterial order. He said he was obeying a higher law—the law of his conscience. Judgment was never delivered against him and later the case was withdrawn.

"Meanwhile, despite the hostility of planters and Government Gandhiji continued his inquiry. He took 20,000 statements and built the case of the peasants on them. A Commission of Inquiry was appointed and the principal wrongs were redressed. The Satyagraha of a single individual was sufficient to arouse the conscience of India and to open the eyes of the provincial government."*

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"KHEDA OR KAIRA SATYAGRAHA, 1918"

"Then came the Kaira (Gujarat) Satyagraha on the 28th March, 1918. Heavy rains in the area caused great damage to the crop so that the yield fell much below the normal. The government gave a very meagre remission in revenue, so that the poor tenantry had no way to pay to the Government revenue except by incurring heavy debts. All representations to the Government were turned down. At last Gandhiji was compelled to advise satyagraha by non-payment of revenue. In spite of attachment of property and other methods adopted by the government, the non-payment of rent was heavy and on the 25th April the Government was forced to suspend the collection of revenue. The Kaira Satyagraha proved to be of great educative value and marked the beginning of an awakening among the peasants of Gujarat."

Gandhi, M. K. My Experiments with Truth, Vol. II, pp. 441-42.

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"Kheda or Kaira, is a district in Gujarat. In 1918 due to failure of crops and semifamine, the peasants were unable to pay

*Diwakar, R.R. Satyagraha : The Power of Truth, Hinsdale, Illinois Henry Regnery Co. 1948. pp. 72-73.

their assessment for the year. Legally they were entitled to suspension of tax, but the Government refused this relief. Gandhiji appeared on the scene and advised the people to withhold payment. The people rallied and took an oath to the effect that they would rather lose their land than pay what was not rightly due. Even those who could afford to pay refused to pay taxes, in sympathy with their poorer brethren.

"Gandhiji put the case of the peasants before both Government and public and appealed for justice. He enlisted volunteers to work in the district to keep up the morale of the peasants. Vallabhbhai Patel, then a rising barrister in Ahmedabad, joined the struggle. A systematic education of the peasantry began. Fear of officialdom was wiped away. The peasants faced all attachments of property and notices for forfeiture of their land with equanimity.

"When the officials saw that the people were determined not to yield, they began a retreat, though without openly announcing any concessions. They ceased to press those who were unable to pay. Attachments and notices stopped. It was not a complete triumph, but the injustice to the poor was remedied and there was the beginning of a widespread awakening among the peasantry of Gujarat. It was the first occasion on which Gandhiji called on the masses of India to face hardships and sufferings and educated them along the lines of satyagraha, and the result was satisfactory."*

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"ROWLATT ACT SATYAGRAHA, 1919"

"In the year 1919, satyagraha was tried on an all-India basis. The cause was the Rowlatt Bill, with its arbitrary powers of arrest of a suspected person without warrant, and of imprisonment without a regular trial. During the discussion of the bill in the Indian Legislative Council, Mahatmaji intimated to the Governor-General that the Government's action left me no other course except to resort to Satyagraha."**

"The bill, however, became a law on 21st March, 1919. The date was subsequently shifted to 6th April. By way of self-purification the day was to begin with fasting. All business which was necessary for public interest, was to be suspended and public meetings were to be held.

"Here was the beginning of a new experiment in politics, a novel method of redressing grievances and removing political wrongs. The

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*Diwakar, R.R. Satyagraha ; the Power of Truth, Hinsdale, Illinois Henry Regnery Co., 1948 pp. 73-74.

**Gandhi, My Experiments with Truth, Vol. II. pp. 441-442.

idea of self-purification itself jarred on the ears of politicians, for "What had purity to do with politics ?" they asked. But under the leadership of Gandhiji, Satyagraha took roots in the Indian soil and the nation adopted it as a method of achieving its goal of independence.

"Then came the Satyagraha Day, all-India hartals and complete suspension of business, firing by the police and military at Delhi and Amritsar, and the killing of many of people, mob violence in Amritsar and Ahmedabad, the massacre of Jallianwala Bagh, the horror and terrible indignity of martial law in the Punjab."*

"Having co-operated effectively in World War I, India expected at the War's end to receive a generous instalment of self-government. But instead, there came the Rowlatt Bills which sought to curtail and crush the civic rights of Indians. The Rowlatt report on sedition and revolutionary crime in India was published on Jan. 19, 1919 and the bills were introduced in the Supreme Legislative Council on February 6. Gandhiji announced on February 24 that he would lead a movement of satyagraha if the bills were passed into law. Bill No. 2 was dropped but Bill No. 1, called the Indian Criminal Law Amendment Act, was passed on March 3, 1919. While the bills were pending, Gandhiji toured the country and issued statements. A satyagraha committee was set up and Gandhiji drew up a pledge on March 18.

"March 30 was fixed as the date for launching satyagraha, but the date was later changed to April 6. Unfortunately, the news of change did not reach Delhi and some other places in time so these places observed March 30 as satyagraha day. In his statement regarding satyagraha day Gandhiji said, "Satyagraha is essentially a religious movement. It is a process of purification and penance. It seeks to secure reforms or redress of grievances by self-suffering. The sixth of April should be observed as a day of humiliation and prayer." The details of the programme were as follows : (1) twenty-four hours fast should be observed, but not as hunger strike to put any pressure on Government. The fast should be regarded as necessary discipline to fit Satyagrahis for Civil Disobedience. For other than Satyagrahis it would be regarded as a token of the intensity of their wounded feelings. (2) Suspension of all work on satyagraha day. (3) Public meetings should be held and resolutions passed for the withdrawal of the Rowlatt Act."**

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*Nehru, Jawaharlal. *An Autobiography*, p. 42.

**Diwakar, R.R. Satyagraha, The Power of Truth, Hinsdale, Illinois Henry Regnery Co., 1948, pp. 75-77.

"There was special programme for the pledged Satyagrahis. They were asked by the Satyagraha Committee to disobey civilly the law applying to prohibited literature and registration of newspapers. Gandhiji himself issued an unregistered newspaper called *Satyagrahi* and contained among other things instructions to Satyagrahis about how they should face imprisonment, fine, attachment of property and the like without evasion and without defence.

"The response was good throughout India. In most places there were peaceful hartals, accompanied by fasting and prayer. Millions took part in the programme. Unfortunately, in some centres there were clashes between police and demonstrators. In Delhi there was firing by the police with five deaths and several wounded. The situation in the Punjab rapidly deteriorated, culminating in the Jallianwala Bagh tragedy, when General Dyer shot down four hundred helpless, unarmed people and wounded about a thousand. Martial law, many atrocities, and a series of humiliating acts perpetrated by the military and civil authorities followed. Public floggings, crawling orders, summary trials went on.

"Gandhiji, realizing that mob violence had broken out, suspended the satyagraha movement on April 18. He issued a statement saying ; "I have greater faith in satyagraha today than before. It is my perception of the Law of satyagraha which impels me to suggest the suspension..... I understand the forces of evil..... Satyagraha had nothing to do with the violence of the mob at Ahmedabad and Viramgaon. Satyagraha was neither the cause nor the occasion of the upheaval. If anything, the presence of satyagraha has acted as a check ;..... The events in the Punjab are unconnected with satyagraha movement..... Our satyagraha must, therefore, now consist in ceaselessly helping the authorities in all the ways available to us as Satyagrahis to restore order and curb lawlessness. We must fearlessly spread the doctrine of *satya* and *ahimsa*....."

"On July 21, 1919 Gandhiji issued another statement in which he said that on account of indications of goodwill on the part of Government and advice from many of his friends, he would not resume civil disobedience, as it was not his purpose to embarrass the Government. He called upon Satyagrahis to carry on propaganda for the use of pure Swadeshi materials and for Hindu-Muslim unity. The fate of the Rowlatt Act, however, for the withdrawal of which the movement had been launched, had already been sealed. One of the bills never became law, and the one which became law, never came into force. The objective of the campaign was achieved."*

*Ibid, p. 77.

"In view of the fact that on the Khilafat question both the Indian and Imperial Governments have failed in their duty towards the Mussalmans of India, and the Prime Minister has deliberately broken his pledged word given to them, and that it is the duty of every non-Moslem Indian in every legitimate manner to assist his Mussalman brother in his attempt to remove the religious calamity that has overtaken him.

"And in view of the fact that in the matter of the events of the April of 1919 both the said Governments have grossly neglected or failed to protect the innocent people of the Punjab, and punish officers guilty of unsoldierly and barbarous behaviour towards them, and have exonerated Sir Michael Dyer who proved himself, directly or indirectly, responsible for most of the official crimes, and callous to the sufferings of the people placed under his administration, and that the debate in the House of Commons and specially in the House of Lords betrayed a woeful lack of sympathy with the people of India, and showed virtual support of the systematic terrorism and frightfulness adopted in the Punjab, and that the latest Viceregal pronouncement is proof of entire absence of repentance in the matters of the Khilafat and the Punjab ;

"This Congress is of opinion that there can be no contentment in India without redress of the two aforementioned wrongs and that the only effectual means to vindicate national honour and to prevent a repetition of similar wrongs in future is the establishment of Swarajya. This Congress is futher of opinion that there is no course left open for the people of India but to approve of and adopt the policy of progressive, non-violent non-co-operation inaugurated by Mr. Gandhi until the said wrongs are righted and Swarajya is established.

"And inasmuch as a beginning should be made by the classes who have hitherto moulded and represented public opinion, and inasmuch as Government consolidates its power through titles and honours bestowed on the people, through schools controlled by it, its law courts, and its legislative councils, and inasmuch as it is desirable in the prosecution of the movement to take the minimum risk and to call for the least sacrifice, compatible with the attainment of the desired object, this Congress earnestly advises

(*a*) surrender of titles and honorary offices and resignation from nominated seats in local bodies ;

(*b*) refusal to attend Government Levees, Durbars, and other official and semi-official functions held by Government officials or in their honour ;

(*c*) gradual withdrawal of children from schools and colleges owned, aided or controlled by Government and in place of such schools and colleges, establishment of national schools and colleges in the various provinces ;

(*d*) gradual boycott of British courts by lawyers and litigants, and establishment of private arbitration courts by their aid, for the settlement of private disputes ;

(*e*) refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service in Mesopotamia ;

(*f*) withdrawal by candidates of their candidature for election to the reformed councils, and refusal on the part of the voters to vote for any candidate who may, despite the Congress advice, offer himself for election ;

(*g*) boycott of foreign goods.

And inasmuch as non-co-operation has been conceived as a measure of discipline and self-sacrifice without which no nation can make real progress, and inasmuch as an opportunity should be given in the very first stage of non-co-operation to every man, woman and child, for such discipline and self-sacrifice, this Congress advises adoption of Swadeshi in piece-goods on a vast scale, and inasmuch as the existing mills of India with indigenous capital and control do not manufacture sufficient cloth for the requirements of the nation, and are not likely to do so for a long time to come, this Congress advises immediate stimulation of further manufacture on a large scale by means of reviving hand-spinning in every home and hand-weaving on the part of the millions of weavers who have abandoned their ancient and honourable calling for want of encouragement."

35 : [Special] *: 1920 : Calcutta : V.*

"Whereas, since the holding of the last National Congress, the people of India have found, from actual experience, that by reason of the adoption of non-violent non-co-operation, the country has made great advance in fearlessness, self-sacrifice and self-respect, and whereas the movement has greatly damaged the prestige of the Government, and whereas, the country on the whole is rapidly progressing towards Swaraj, this Congress confirms the resolution adopted at the special session of the Congress at Calcutta and re-affirmed at the Nagpur and places on record the fixed determination of the Congress to continue the programme of non-violent non-co-operation with greater vigour than hitherto in such manner as each province may determine till the Punjab and the Khilafat wrongs are redressed and Swaraj is established and the control of the Government of India passes into the hands of the people from that of an irresponsible corporation.

"And whereas, by reason of the threat uttered by His Excellency the Viceroy in his recent speeches and the consequent repression started by the Government of India in the various provinces by way of disbandment of Volunteer Corps and forcible prohibition of public and even committee meetings in an illegal and high-handed manner and by the arrest of many Congress workers in several provinces, and whereas, this repression is manifestly intended to stifle all Congress and Khilafat activities and deprive the public of their assistance, this Congress resolves that all activities of the Congress be suspended as far as necessary and appeals to all, quietly and without any demonstration to offer themselves for arrest by belonging to the Volunteer organisations to be formed throughout the country in terms of the resolution of the Working Committee arrived at in Bombay on the 23rd day of November last, provided that no one shall be accepted as Volunteer who does not sign the following pledge :—

With God as witness I solemnly declare that,

(1) I wish to be a member of the National Volunteer Corps.

(2) So long as I remain a member of the Corps I shall remain non-violent in word and deed and shall earnestly endeavour to be non-violent in intent since I believe that as India is circumstanced, non-violence alone can help the Khilafat and the Punjab and result in the attainment of Swaraj and consolidation of unity among all the races and communities of India whether Hindu, Mussalman, Sikh, Parsi, Christian or Jew.

(3) I believe in and shall endeavour to promote such unity,

(4) I believe in Swadeshi as essential for India's economic, political and moral salvation and shall use handspun and handwoven khaduar to the exclusion of every other cloth.

(5) As a Hindu I believe in the justice and necessity of removing the evil of untouchability and shall on all possible occasions seek personal contact with and endeavour to render service to the submerged classes.

(6) I shall carry out the instructions of my superior officers, and all the regulations not inconsistent with the spirit of this pledge prescribed by the Volunteer Board or the Working Committee or any other agency established by the Congress.

(7) I am prepared to suffer imprisonment, assault, or even death for the sake of my religion and my country without resentment.

(8) In the event of my imprisonment I shall not claim from the Congress any support for my family or dependents.

"This Congress trusts that every person of the age of 18 and over will immediately join the volunteer organisations.

"Notwithstanding the proclamations prohibiting public meetings, and inasmuch as even committee meetings have been attempted to be construed as public meetings, this Congress advises the holding of committee meetings, and of public meetings, the latter in enclosed places and by tickets and by previous announcements at which as far as possible only speakers previously announced shall deliver written speeches, care being taken in every case to avoid risk of provocation and possible violence by the public in consequence.

"This Congress is further of opinion that civil disobedience is the only civilized and effective substitute for an armed rebellion whenever every other remedy for preventing arbitrary, tyrannical and emasculating use of authority by individuals or corporations has been tried and therefore advises all Congress workers and others, who believe in peaceful methods and are convinced that there is no remedy save some kind of sacrifice to dislodge the existing Government from its position of perfect irresponsibility to the people of India, to organise individual civil disobedience and mass civil disobedience when the mass of people have been sufficiently trained in the methods of non-violence and otherwise in terms of the resolution thereon of the last meeting of the All India Congress Committee held at Delhi.

"This Congress is of opinion that, in order to concentrate attention upon civil disobedience, whether mass or individual, whether of an offensive or defensive character, under proper safeguards and under instructions to be issued from time to time by the Working Committee or the Provincial Congress Committee concerned, all other Congress activities should be suspended whenever and to the extent to which it may be found necessary.

"This Congress calls upon all students of the age of 18 and over, particularly those studying in the national institutions and the staff thereof, immediately to sign the foregoing pledge and become members of National Volunteer Corps.

"In view of the impending arrests of a large number of Congress workers, this Congress whilst requiring the ordinary machinery to remain intact and to be utilised in the ordinary manner whenever feasible, hereby appoints until further instructions Mahatma Gandhi as the sole executive authority of the Congress and invests him with the full powers of the All-India Congress Committee including the power to convene a special session of the Congress or of the All-India Congress Committee or the Working Committee, such power to be exercised between any two sessions of the All India Congress

Committee and also with the power to appoint a successor in emergency.

"This Congress hereby confers upon the said successor and all subsequent successors appointed in turn by their predecessors all his aforesaid powers.

"Provided that nothing in this resolution shall be deemed to authorise Mahatma Gandhi or any of the aforesaid successors to conclude any terms of peace with the Government of India or the British Government without the previous sanction of the All India Congress Committee to be finally ratified by the Congress specially convened for the purpose, and provided also that the present creed of the Congress shall in no case be altered by Mahatma Gandhi or his successors except with the leave of the Congress first obtained.

"This Congress congratulates all those patriots who are now undergoing imprisonment for the sake of their conscience or country and realises that their sacrifice has considerably hastened the advent of Swaraj."

36 : 1921 : Ahmedabad : I.

"NON-VIOLENT NON-CO-OPERATION, 1920-22. (Satyagraha)*

Dissatisfaction with the Hunter Report, whitewashing the perpetrators of the Punjab atrocities, coupled with Muslim dissatisfaction over the peace terms offered to Turkey, led to the inauguration of the non-violent non-co-operation movement on August 1, 1920. On July 28, Gandhiji wrote in *Young India* : "The first of August will be as important an event in the history of India as was the sixth April last year. The sixth of April marked the beginning of the end of the Rowlatt Act...The power that wrests justice from an unwilling Government...is the power of Satyagraha, whether it is to be known by the name of civil disobedience or non-co-operation. As in the past, commencement is to be marked by fasting and prayer, suspension of business and by meetings to pass resolutions praying for the revision of peace terms and justice for the Punjab, and for inculcating non-co-operation until justice has been done. The giving up of titles is to begin from that day. But the greatest thing is to organize and evolve order and discipline." He again stressed the necessity of absolute non-violence.

The non-co operation resolution was approved both by a special session of the Congress, meeting on September 4, 1920 and by the regular session in December. The movement called for the fivefold

*Diwakar, R.R. Satyagraha ; The Power of Truth, Hinsdale, Illinois Henry Regnery Co., 1948. pp.-77-79.

boycott of titles and hononrs, of elections and legislatures, of schools and colleges, of courts of tribunals, and of foreign cloth. It also had its constructive side. National schools and institutions were to be started, arbitration courts and panchayats were to be established, spinning on charkhas was to begin. In addition, Government levees, durbars, and all semi-official or official functions were to be boycotted, and sale and use of drinks and drugs was to be prevented through peaceful picketing. People were asked not to offer themselves as recruits for civil or military service.

Never before was the country so awakened, so active, so united, and so determined as during the eventful months of 1921-22.

Hindus and Muslims seemed to have been welded into a single community. The masses took up the campaign of prohibition spontaneously. There was some sporadic mob violence, but on the whole, the campaign was non-violent, vigorous, and effective. National schools sprang up by hundreds. Hundreds of thousands of *charkhas* ("Spinning wheels") began to ply in India. Congress membership went up to five million.

When the Congress met in December, 1920, 30,000 Congress workers were in Jail. Congress in turn decided to enrol 50,000 new volunteers pledged to non-violence. Gandhiji was preparing to launch an extensive no-tax campaign in Bardoli early in 1922, when the murder of some twenty police constables and a sub-inspector in Chauri Chaura, coupled with riots attending the visit of the Prince of Wales, led him to induce the Working Committee of the Congress to suspend mass civil disobedience in favour of a comprehensive constructive programme. He himself was arrested on March 10 and sentenced to six years imprisonment.

Although the immediate objectives of the 1920-22 camnaign were not gained, the indirect gains were invaluable, Gandhiji declared that in that period the country had advanced by at least thirty years if not more. The Governor of Bombay is reported to have remarked that the movement was within an inch of success.

"This Congress deplores the occurrences that took place in Bombay on the 17th November last and after and assures all parties and communities that it has been and is the desire and determination of the Congress to guard their rights to the fullest extent."

36 : 1921 : Ahmedabad : V.

"Whereas the boycott of Councils carried out during the election held in 1920 has destroyed the moral strength of the institutions

through which Government sought to consolidate its power and carry on its irresponsible rule :

"And whereas it is necessary again for the people of India to withhold participation in the elections of the next year as an essential programme of Non-Violent Non-co-operation :

"This Congress resolves to advise that all voters shall abstain from standing as candidates for any of the Councils and from voting for any candidate offering himself as such in disregard of this advice, and to signify the abstention in such manner as the All India Congress Committee may instruct in that behalf."

37 : 1922 : Gaya : VI.

"With reference to the boycott of Government and Government aided and affiliated educational institutions, this Congress declares that the boycott must be maintained, and further resolves that every Province should be called upon to put the existing national institutions on a sound financial basis and to improve their efficiency in every possible way."

37 : 1922 : Gaya : X.

"This Congress declares that Non-Co-operators are free to exercise the right of private defence within the limits defined by law, except when carrying on Congress work or on occasions directly arising therefrom, subject always to the condition that it is not likely to lead to a general outburst of violence.

Note :—Using force in private defence in gross cases, *e.g.*, insults to religion, outrages on the modesty of women or indecent assaults on boys and men is not prohibited under any circumstances."

37 : 1922 : Gaya : XII.

"SATYAGRAHA BARDOLI 1928"*

"The Government of Bombay revises once in 30 years the assessment on land in every Taluka. Revision generally means an increase in the assessment. In the case of Bardoli and Chorasi Talukas the increase was 30 per cent. Protests brought this figure down to 22 per cent, but the peasants challenged this figure and demanded an inquiry. Government did not heed the protests.

"After much careful deliberation the peasants agreed to withhold payment and at their request, Sardar Vallabhbhai Patel took up the leadership. Gandhiji blessed the struggle and the campaign started in grim earnest. Sardar Patel organized the Taluka with amazing thoroughness. The plunge was taken on February 12, 1928. Government tried its best to compel payment. It tried flattery, bribery, threats, fines, imprisonment, forfeiture and lathi charges.

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*Diwakar, R.R. Satyagraha ; The Power of Truth, Hinsdale, Illinois, Henry Regnery Co.. 1948. pp. 74-75.

It attempted to divide the communities. Property on a large scale was attached and sold for a song to outside buyers, since no local buyers came forward. But all repressive measures infused more solidarity in the Taluka. A strong social boycott was imposed on all government representatives and against those who bought the attached property. But physical necessities were never denied to all the opponents.

"The whole of India sympathized with the struggle, and after five and one-half months Government yielded and appointed a Committee of Enquiry. All property that had been attached was restored and village officers who had resigned were reinstated. The committee found the complaints of the peasants substantially true and recommended only a $6\frac{1}{4}$ per cent increment."

"PURNA SWARAJYA INDEPENDENCE DAY"*

The following resolution was issued on behalf of the Working Committee for adoption by public meetings all over the country on Purna Swarajya Day, Sunday, January 26th, 1930 :

"We believe that it is the inalienable right of the Indian people as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any government deprives a people of their freedom they have a right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally and spiritually. We believe, therefore, that India must sever connection and attain Purna Swaraj or complete independence.

"India has been ruined economically. The revenue derived from our people is out of all proportion to our income. Our average income is seven pice (less than two pence) per day, and of the heavy taxes we pay, 20 per cent are raised from the land revenue derived from the peasantry and 3 per cent from the salt tax, which falls most heavily on the poor.

"Village industries, such as hand spinning, have been destroyed leaving the peasantry idle for at least four months in the year, and dulling their intellect for want of handicrafts, and nothing has been substituted, as in other countries, for the crafts thus destroyed.

"Customs and currency have been so manipulated as to heap further burdens on the peasantry. British manufactured goods con-

*The Indian National Congress. 1930-34. (Being the resolutions passed by the Congress, the A.I.C.C. and the Working Committee during the period between Jan. 1930 to Sep. 1934. Some important statements and other documents of the period are also given).
Allahabad. All India Congress Committee, Swaraj Bhawan.

stitute the bulk of our imports. Customs duties betray clear partiality for British manufactures, and revenue from them is used not to lessen the burden on the masses but for sustaining a highly extravagant administration. Still more arbitrary has been the manipulation of the exchange ratio which has resulted in millions being drained away from the country.

"Politically, India's status has never been so reduced as under the British regime. No reforms have given real political power to the people. The tallest of us have to bend before foreign authority. The rights of free expression of opinion and free association have been denied to us and many of our countrymen are compelled to live in exile abroad and cannot return to their homes. All administrative talent is killed and the masses have to be satisfied with petty village offices and clerkships.

"Culturally, the system of education has torn us from our moorings and our training has made us hug the very chains that bind us.

"Spiritually, compulsory disarmament has made us unmanly and the presence of an alien army of occupation, employed with deadly effect to crush in us the spirits of resistance, has made us think that we cannot look after ourselves or put up a defence against foreign aggression, or even defend our homes and families from the attacks of thieves, robbers and miscreants.

"We hold it to be a crime against man and God to submit any longer to a rule that has caused this fourfold disaster to our country. We recognise, however, that the most effective way of gaining our freedom is not through violence. We will, therefore, prepare ourselves by withdrawing, so far as we can, all voluntary association from the British Government, and will prepare for civil disobedience including non-payment of taxes. We are convinced that if we can but withdraw our voluntary help and stop payment of taxes without doing violence, even under provocation, the end of this inhuman rule is assured. We, therefore, hereby solemnly resolve to carry out the Congress instructions issued from time to time for the purpose of establishing Purna Swaraj."

"CIVIL DISOBEDIENCE"*

"In the opinion of the Working Committee Civil Disobedience should be initiated and controlled by those who believe in non-vio-

*The Indian National Congress, 1930-34. (Being the resolutions passed by the Congress, the All India Congress Committee and the Working Committee during the period between Jan. 1930 and Sep. 1934. Some important statements and other documents of the period are also given.) Allahabad All India Congress Committee, (Swaraj Bhawan) 1930.

lence for the purpose of achieving Purna Swaraj as an article of faith and as the Congress contains in its organisation not merely such men and women but also those who accept non-violence as a policy essential in the existing circumstances in the country the Working Committee welcomes the proposal of Mahatma Gandhi and authorises him and those working with him who believe in non-violence as civil disobedience as and when they desire and in the manner and to the extent they decide. The Working Committee trusts that when the campaign is actually in action all Congressmen and others will extend to the civil resisters their co-operation and reserve complete non-violence notwithstanding any provocation that may be offered. The Working Committee further hopes that in the event of a mass movement taking place all those who are rendering voluntary co-operation to the Government, such as lawyers and those who are receiving so-called benefits from it, such as students will withdraw their co-operation or renounce benefits as the case may be and throw themselves into the final struggle for freedom.

"The Working Committee trusts that in the event of the leaders being arrested and imprisoned those who are left behind and have the spirit of sacrifice and service in them will carry on the Congress organisation and guide the movement to the best of their ability."

"CIVIL DISOBEDIENCE"*

"The meeting of A.I.C.C. approves of and endorses the resolutions of the Working Committee dated February 16, authorising Mahatma Gandhi to initiate and control civil disobedience and congratulates him and his companions and the country on the march begun by him on the 12th instant in pursuit of his plan for civil disobedience, the Committee hopes that the whole country will respond to the action taken by Gandhiji so as to bring the campaign for Purna Swaraj to a speedy and successful issue.

"The A.I.C.C. hereby authorises the P.C.Cs, subject to any directions that the Working Committee might issue from time to time, to organise and undertake such civil disobedience as to them may seem proper and in the manner that may appear to them to be most suitable. The committee, however, hopes that the provinces, so far as is possible, will concentrate on a civil breach of the salt laws. The committee trusts that while full preparation will be carried on in spite of any government interference civil disobedience will

*The Indian National Congress 1930-1934.....(Being the resolutions passed by the Congress, the A.I.C.C. during the period between January, 1930 to September, 1934. Some important statements and other Documents of the Period are also given).

not be started till Gandhiji has reached destination and has actually committed a breach of the salt laws and given the word. In the event, however, of Gandhiji's earlier arrest the provinces shall have full liberty to start civil disobedience.

The A.I.C.C. Congratulates Sardar Vallabhbhai Patel and Syt. J.M. Sen Gupta on their arrest and notes with satisfaction that these arrests instead of weakening have strengthened the national resolve to reach the goal without any delay.

The Committee records its appreciation of the example set by the village officials of Gujarat, who have resigned from Government service in order to help in the national campaign."

"SALT SATYAGRAHA"

"The Committee calls upon Provincial Committee to take steps to continue and extend the manufacture of contraband salt for sale or consumption wherever possible and directs that technical breaches of the Salt Laws shall be continued with redoubled energy in places where they are sought to be prevented by the Government by arrests or otherwise. The Committee resolves that to mark the country's disapproval of the Salt Laws Congress Organisations all over the country should organise public breaches of those laws on every Sunday."*

WORKING COMMITTEE (Bombay, July 30-31 and Aug. 1)

The Working Committee met at Shri Ram Mansion Sandhurst Road, Bombay on the 30th and 31st July and 1st August, 1930, under the Chairmanship of the Acting President, Sardar Vallabhbhai Patel.

The Committee adopted the following resolutions :—

1. Future Programme

(*a*) Having reviewed the progress made by the country in regard to the various items of the programme of civil disobedience, the Working Committee congratulates the nation on the encouraging response, exceeding all expectations, which it had made to the call of the Congress, appreciates the remarkable manifestation on fearlessness and self-sacrifice shown by men and women, both young and old, in prosecuting the campaign for the freedom, notes with gratitude the increasing participation in the present movement by all important minorities and by the Indian mercantile community and expresses its admiration of the spirit of non-violence demonstrated by the people despite numerous unprovoked assaults, lathi-charges, firings and other atrocious acts, and imprisonment of about twenty-five

*Working Committee, Allahabad, May, 12-15, 1930 p. 17.

thousand men and women. The Committee fully trusts that whatever the length of the present struggle may be, the people will keep up their attitude of organized but non-violent resistance and that their only answer to progressive repression will be increased activity and greater readiness for sacrifice in carrying out the National Programme. The Committee is confident that all sections of the population will bear up patiently under the temporary disorganisation of normal life, resulting from the acute situation created by the attitude of the Government towards the people and the policy of widespread repression and lawless violence which the Government has been pursuing and will cheerfully regard any economic loss which they may have individually to suffer as part of the price which has to be paid for securing the freedom of their Motherland. The Committee wishes to reiterate that the strict observance of non-violence by the people in spite of the greatest provocation is absolutely essential in the interests of the success of the campaign and calls upon all Congress organizations and workers to keep this vital aspect of the National Movement prominently in view and places due emphasis upon it at all times in their propaganda.

(*b*) The Committee directs all Congress organizations to take steps to carry out the following programme in the coming months :—

(1) Boycott of foreign cloth.

(2) Boycott of liquor and other intoxicants.

(3) Boycott of Central and Provincial Legislatures.

(4) Boycott of British Goods.

(5) Withdrawal of deposits in Post Office Savings Bank account and Postal Cash Certificates.

(6) Boycott of Government loans.

(7) Boycott of Government Officials.

(8) Publication among the Police and Military of Resolution No. 6 passed by the Working Committee on 7th June 1930.

(9) Disobedience of the various repressive ordinances.

(10) Preparation for the inauguration and continuance of a campaign for non-payment of land revenue and/or such other Government tax as the provincial organisation may consider necessary and feasible.

(11) Setting up, in co-operation with the mercantile community, arbitration boards for the purpose of dealing with the business disputes and the question of mutual payments.

(12) Calling upon students of colleges to take full share in the national struggle, even by suspending studies.

(13) Withdrawal of support of British insurance, Banking and shipping concerns.

(14) Vigorous propaganda for the use of truly Swadeshi articles and support of truly Swadeshi concerns even at sacrifices.

The Committee expects that Congress Organisations will carry out as many of the above items as local resources will permit them to do."

A NOTE ON THE PROGRESS OF THE SATYAGRAHA MOVEMENT

(July-September 1931)*

"The Secretary submitted to the Committee a short note on the progress of the movement in different provinces, including the number of convictions so far reported to the office of the A.I.C.C. The following is a list of these convictions :—

Ajmer	50	
Andhra	3000	Upto 29th July, 1930 excluding Sylhet upto 25th July.
Assam	50	
Bihar	4158	
Bengal	6000	
Berar	125	
C.P. Hindustani ...	100	
C.P. Marathi ...	150	
City of Bombay ...	1759	Upto 1st August, 1930 excluding members of the public arrested at Wadla.
Delhi	400	
Gujarat	961	
Karnatak	450	Upto 25th July, 1930.
Kerala	200	
Maharashtra ...	1000	Upto 28th July, 1930.
N.W.F. Province ...	600	
Punjab	3500	Upto 28th July, 1930.
Sind	68	
Tamilnad	690	Excluding Madras City.
United Provinces ...	1700	Upto 23rd July, 1930.
Utkal	350	Upto 4th July, 1930."

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*Indian National Congress 1980-1934. Allahabad, A.I.C.C. 1935. pp. 78-79.

DELHI TRUCE New Delhi, March 5, 1931

The following statement by the Governor-General-in-Council is published for general information :—

1. Consequent on the conversations that have taken place between His Excellency the Viceroy and Mr. Gandhi it has been arranged that the civil disobedience movement be discontinued and that, with the approval of His Majesty's Government, certain action be taken by the Government of India and local Governments.

2. As regards constitutional questions, the scope of future discussion is stated, with the assent of His Majesty's Government, to be with the object of considering further the scheme for the constitutional Government of India discussed at the Round Table Conference. Of the scheme there outlined Federation is an essential part ; so also are Indian responsibility and reservations or safeguards in the interests of India, for such matters, as, for instance, defence, external affairs, the position of minorities, the financial credit of India, and the discharge of obligations.

3. In pursuance of the statement made by the Prime Minister in his announcement of January 19, 1931 steps will be taken for the participation of the representatives of the Congress in the future discussions that are to take place on the scheme of constitutional reform.

4. The settlement relates to activities directly connected with the civil disobedience movement.

5. Civil disobedience will be effectively discontinued and reciprocal action will be taken by Government. The effective discontinuance of the civil disobedience movement means the effective discontinuance of all activities in furtherance thereof, by whatever methods pursued and, in particular, the following :—

(1) The organised defiance of provisions of any law.

(2) The movement for the Non-payment of land revenue and other legal dues.

(3) The publication of news-sheets in support of the civil disobedience movement.

(4) Attempts to influence civil and military servants or village officials against Government or to persuade them to resign their posts.

6. As regards the boycott of foreign goods, there are two issues involved, firstly, the character of the boycott and secondly the methods employed in giving effect to it. They approve of the encouragement of Indian industries as part of the economic and

industrial movement designed to improve the material condition of India, and they have no desire to discourage methods of propaganda, persuasion or advertisement pursued with this object in view, which do not interfere with the freedom of action of individuals, or are not prejudicial to the maintenance of law and order. But the boycott of non-Indian goods (except of cloth which has been applied to all foreign cloth) has been directed during the civil disobedience movement chiefly, if not exclusively, against British goods, and in regard to these it has been admittedly employed in order to exert pressure for political ends.

It is accepted that a boycott of this character, and organised for this purpose, will not be consistent with the participation of representatives of the Congress in a frank and friendly discussion of constitutional questions between representatives of British India, of the Indian States, and of His Majesty's Government and political parties in England which the settlement is intended to secure. It is, therefore, agreed that the discontinuance of the civil disobedience movement connotes the definite discontinuance of the employment of the boycott of British commodities as a political weapon and that in consequence, those who have given up, during a time of political excitement, the sale or purchase of British goods must be left free without any form of restraint to change their attitude if they so desire.

7. In regard to the methods employed in furtherance of the replacement of non-Indian by Indian goods, or against the consumption of intoxicating liquor and drugs, will resort to picketing except within the limits permitted by the ordinary law. Such picketing shall be unaggressive and it shall not involve coercion, intimidation, restraint, hostile demonstration, obstruction to the public, or any offence under the ordinary law. If and when any of these methods is employed in any place, the practice of picketing in that place will be suspended.

8. Mr. Gandhi has drawn the attention of Government to specific allegations against the conduct of the police, and represented the desirability of a public enquiry into them. In present circumstances Government see great difficulty in this course and feel that it must inevitably lead to charges and countercharges, and so militate against the re-establishment of peace. Having regard to these considerations, Mr. Gandhi agreed not to press the matter.

9. The action that government will take on the discontinuance of the civil disobedience movement is stated in the following paragraphs.

10. Ordinances promulgated in connection with the civil disobedience movement will be withdrawn, Ordinance No. 1 of 1931 relating to the terrorist movement does not come within the scope of the provision.

11. Notifications declaring associations unlawful under the Criminal Law Amendment Act of 1908 will be withdrawn, provided that the notifications were made in connection with the civil disobedience movement.

The notifications recently issued by the Burma Government under the Criminal Law Amendment Act do not come within the scope of this provision.

12. (*i*) Pending prosecutions will be withdrawn if they have been filed in connection with the civil disobedience movement and relate to offences which do not involve violence other than technical violence, or incitement to such violence.

(*ii*) The same principles will apply to proceedings under the security provisions of the Criminal Procedure Code.

(*iii*) Where a local Government has moved any High Court or has initiated proceedings under the Legal Practitioners Act in regard to the conduct of legal practitioners in connection with the civil disobedience movement, it will make application to the Court concerned for permission to withdraw such proceedings, provided that alleged conduct of the persons concerned does not relate to violence or incitement to violence.

(*iv*) Prosecutions, if any, against soldiers and police involving disobedience of orders will not come within the scope of this provision.

13. (*i*) Those prisoners will be released who are under going imprisonment in connection with the civil disobedience movement for offences which did not involve violence, other than technical violence, or incitement to such violence.

(*ii*) If any prisoner who comes within the scope of (*i*) above has been also sentenced for a jail offence, not involving violence, other than technical violence, or incitement to such violence the latter sentence also will be remitted or if a prosecution relating to an offence of this character is pending against such a prisoner, it will be withdrawn.

(*iii*) Soldiers and police convicted of offences involving disobedience of orders.....in the very few cases that have occurred..... will not come within the scope of the amnesty.

14. Fines which have not been realised will be remitted. Where an order for the forfeiture of security has been made under the security provisions of the Criminal Procedure Code and the security has not been realised, it will be similarly remitted.

Fines which have been realised and securities forfeited and realized under any law will not be returned.

15. Additional police imposed in connection with the civil disobedience movement at the expense of the inhabitants of a particular area will be withdrawn at the discretion of local governments. Local Governments will not refund any money, not in excess of the actual cost, that has been realised, but they will remit any sum that has not been realised.

16. (*a*) Movable property, which is not an illegal possession and which has been seized in connection with the civil disobedience will be returned, if it is still in the possession of Government.

(*b*) Movable property, forfeited or attached in connection with the realisation of land revenue or other dues, will be returned, unless the Collector of the District has reason to believe that the defaulter will continuously refuse to pay the dues recoverable from him within a reasonable period. In deciding what is a reasonable period, special regard will be paid to cases in which the defaulters, while willing to pay, genuinely require time for the purpose, and if necessary the revenue will be suspended in accordance with the ordinary principles of land revenue administration.

(*c*) Compensation will not be given for deterioration.

(*d*) Where movable property has been sold or otherwise finally disposed by the Government, compensation will not be given and the sale proceeds will not be returned, except in so far as they are in excess of the legal dues for which the property may have been sold.

(*e*) It will open to any person to seek any legal remedy he may have on the ground that the attachment or seizure of property was not in accordance with the law.

17. (*a*) Immovable property of which possession has been taken under Ordinance IX of 1930 will be returned in accordance with the provisions of the Ordinance.

(*b*) Land and other immovable property in the possession of Government, which has been forfeited or attached in connection with the realization of land revenue or other dues, will be returned unless the Collector of the District has reason to believe that the defaulter will continuously refuse to pay the dues recoverable from him within a reasonable period. In deciding what is a reasonable period special

regard will be paid to cases in which the defaulter, while willing to pay, genuinely requires time for the purpose, and if necessary the revenues will be suspended in accordance with the ordinary principles of land revenue administration.

(*c*) Where immovable property has been sold to third parties the transaction must be regarded as final, so far as Government are concerned.

(*d*) It will be open to any person to seek any legal remedy he may have on the ground that the seizure or attachment of property was not in accordance with the law.

18. The Government believe that there have been very few cases in which the realization of dues has not been made in accordance with the provisions of the law. In order to meet such cases, if any, local governments will issue instruction to District officers to have prompt enquiry made into any specific complaint of this nature, and to give the redress without delay if illegality is established.

19. Where the posts rendered vacant by resignation have been permanently filled, Government will not be able to reinstate the late incumbents. Other cases of resignation will be considered on their merits by local governments who will pursue a liberal policy in regard to the reappointment of Government servants and village officials who apply for reinstatement.

20. Government are unable to condone breaches of the existing law relating to the salt administration, nor are they able, in the present financial conditions of the country, to make substantial modifications in the Salt Acts.

For the sake, however, of giving relief to certain persons of the poorer classes, they are prepared to extend their administrative provisions, on lines already prevailing in certain places in order to permit local residents in villages, immediately adjoining areas where salt can be collected or made, to collect or make salt for domestic consumption or sale within such villages, but not for sale to, or trading with, individual living outside them.

21. In the event of Congress failing to give full effect to the obligations of this settlement, Government will take such action as may, in consequence, become necessary for the protection of the public and individuals and the due observance of law and order."

SIMLA AGREEMENTS

GANDHIJI'S CORRESPONDENCE WITH THE VICEROY

"As a result of conversations between Mahatma Gandhi and representatives of the Government of India at Simla, it was agreed that Gandhiji should proceed to London in order to attend the Round Table Conference, on behalf of the Congress, and Gandhiji sailed accordingly on August 29 from Bombay.

The agreement was published by the Government of India in an official communique to which were attached letters from Gandhiji to Mr. Emerson, Secretary, Home Department, Government of India, and from Mr. Emerson to Gandhiji. The letters were integral parts of the agreement. The text of the communique and the letters is given below :—

OFFICIAL COMMUNIQUE

1. As a result of conversations between His Excellency the Viceroy and Mr. Gandhi, the Congress will now be represented by Mr. Gandhi at the Round Table Conference.

2. The settlement of March 4, 1931 remains operative. The Government of India and the Local Governments will secure the observance of the specific provisions of the settlement in those cases, if any, in which a breach is established and will give their careful consideration to any presentation that may be made in this respect. The Congress will fulfil their obligations under the settlement.

3. In regard to collections of land revenue in the Surat District, the point in issue is whether in those villages of Bardoli Taluka and Valod Mahal, which were visited by revenue Officials, accompanied by a party of police, during the month of July 1931, were more severe demands, having regard to their material circumstances made from revenue payers and enforced by coerion, exercised through the police, than were made from and met by revenue payers of other villages of the Bardoli Taluka."*

The Government of India in consultation and full agreement with the Government of Bombay have decided that an inquiry shall be held into this issue in accordance with the following terms of reference :—

"To inquire into the allegations that *Khatedars* in the villages in question, were compelled by means of coercion, exercised through the police, to pay revenue in excess of what would have been demanded if the standard had been applied, which was adopted in other

*The Indian National Congress, 1933-34, Allahabad A.I.C.C., pp. 147-149.

villages of the Bardoli Taluka, where collections were effected after March 5, 1931, without the assistance of the police, and to ascertain what sum, if any, was so paid. Within the terms of reference evidence may be produced on any matter in dispute."

The Government of Bombay have appointed Mr. R.C. Gordon, I.C.S., Collector, Nasik, to hold the inquiry.

4. In regard to the other matters hitherto raised by Congress the Government of India and the Local Governments concerned are not prepared to order an enquiry.

5. In regard to any further matters of complaint by the Congress, not coming within the specific provision of the settlement, such complaints will be dealt with in accordance with the ordinary administrative procedure and practice, and if any question of an inquiry arises, the decision as to whether an inquiry shall be held and, if so, the form it shall take, will be made by the local Government concerned, in accordance with such procedure and practice.

GANDHIJI'S LETTER TO MR. EMERSON*

Letter from. Mr. Gandhi to Mr. Emerson ; Simla, August 27, 1931

Dear Mr. Emerson,

I have to acknowledge with thanks your letter of even date, enclosing a new draft. Sir Cowasji has kindly also communicated to me the amendments suggested by you. My colleagues and I have very carefully considered the amended draft, which we are prepared to accept subject to the following remarks :—

In paragraph 4, it is not possible for me, on behalf of the Congress, to subscribe to the position taken up by the Government. For, we feel that, where in the opinion of the Congress a grievance arising out of the working of the Settlement is not redressed, an inquiry is a necessity of the case, because of the fact that Civil Disobedience remains under suspension during the pendency of the Delhi Pact. But if the Government of India and Local Government are not prepared to grant an inquiry my colleagues and I have no objection to the clause remaining. The result will be, that whilst the Congress will not press for an inquiry, in regard to "the other matters hitherto raised" on its behalf, if unfortunately any grievance is so acutely felt that it becomes a paramount duty of the Congress to seek some method of relief, in the absense of an inquiry, in the shape of

*The Indian National Congress, 1930-34. (Being the resolutions passed by the Congress, the A.I.C.C, and the Working Committee during the period between Jan. 1930-Sep. 1934. Some important statements and other documents of the period are also given.) Allahabad, A.I.C.C. 1935, pp. 147-194.

edfensive direct action, the Congress should be held free to adopt such remedy, notwithstanding the suspension of civil disobedience.

I need hardly assure the Government that it would be the constant endeavour of the Congress to avoid direct action and to gain relief by discussion, persuasion, and the like. The statement of the Congress position given here has become so necessary in order to avoid any possible misunderstanding in the future or a charge to avoid any possible breach of faith on the part of Congress. In the event of a successful issue to the present discussions, I assume that the *Communique*, this letter, and your reply would be simultaneously published.

Yours Sincerely,
M.K. Gandhi.

"DANDI MARCH"

"Mahatma Gandhi began his march to the sea from Ahmedabad on March 12, 1930 in pursuit of his plan for civil disobedience. He reached Dandi by the sea side with his companions at the beginning of April and on April 6th inaugurated the Salt Satyagraha Campaign at Dandi. Soon after the campaign spread all over the country. The President of the A.I.C.C. Jawaharlal Nehru was arrested for disobedience of the Salt Laws at Allahabad on April 14 and many other arrests took place. After the President's arrest, Pandit Motilal Nehru became the acting president. Mahatma Gandhi was arrested in may".*

"MAHATMA GANDHI AND CIVIL DISOBEDIENCE"**

"The Working Committee places on record its grateful appreciation of the lead given by Mahatma Gandhi and his incomparable generalship in the conduct of the great campaign of civil disobedience inaugurated and carried on by him up to the moment of his arrest. It congratulates him, his brave Satyagrahis and the country on the phenomenal success of the movement throughout the country resulting in the universal defiance of the Salt Laws. The Committee reiterates its abiding faith in civil disobedience and resolves to carry on the struggle during incarceration of Mahatma Gandhi with redoubled vigour. In the opinion of the Committee the moment has arrived when the entire nation should make a supreme effort to achieve the goal and the committee calls upon students, lawyers and other professional men, the workers and peasants, merchants, industrialists and government servants and all others to contribute to the success

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*Indian National Congress 1930-1934. Allahabad, A.I.C.C. 935 p. 112.

**Indian National Congress 1930-34. Allahabad ; A.I.C.C. 1930, Allahabad, May 12-15, pp. 14-15.

of the fight for freedom by making all the sacrifices they are capable of."

"CIVIL DISOBEDIENCE FOR SWARAJ, 1930-31"*

"Although the years 1924-29 were years of constructive activity on the part of Congress, there was a growing feeling particularly among youth that the time was ripe for Indian Independence. Hitherto Congress had talked in terms of Dominion Status, but at the December 1927 session a resolution was passed declaring "the goal of the Indian people to be complete Independence." As a counter move to the unwanted and boycotted Simon Commission on political reforms (1928-29), Congress appointed its own Committee to draw up a Dominion Status constitution for India ; this was adopted by All-Parties Conference held at Lucknow at the end of 1928. The Calcutta session of the Congress, December, 1928, undertook to adopt the constitution recommended by the All-Parties Conference, provided it was accepted by the British Parliament in its present form before December 31, 1929. But in case it was rejected, the Congress would be free to organise a campaign of non-violent non-co-operation to advise the country to refuse taxes, and to carry on civil disobedience in such other manner as might be decided upon. Government paid no heed to this resolution, and hence the Lahore session of Congress, December, 1929, changed the Congress creed from Dominion Status to complete independence, it instructed Congress Members of the Legislatures to resign and the people to take no part in the elections. It appealed to nation "Zealously to prosecute the constructive programme of the Congress" and authorized the All-India Congress Committee to launch a programme of civil disobedience, including non-payment of taxes, whenever it saw fit. This was the formal beginning of the Civil Disobedience Movement of 1930.

The Working Committee of the Congress decided to observe January 26, 1930, as Independence Day throughout the country, and in February authorized Gandhiji to start civil disobedience in the manner he thought best. It said that civil disobedience for the purpose of obtaining complete independence should be initiated and controlled only by those who believed in non-violence as an article of faith."

Gandhiji opened the campaign with his dramatic march from Sabarmati to Dandi for the purpose of breaking the salt laws. The 200-mile foot journey was completed on April 5, and on April 6, Gandhiji picked up a pinch of untaxed salt and broke the law. The

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*Diwakar, R.R. Satyagraha ; The Power of Truth, Hinsdale, Illinois Henry Regnery Co., 1948. pp. 79-81.

All India campaign was on. Though Gandhiji was arrested on May 4, leadership of the campaign passed to a succession of others each relinquishing command as he was led to jail. Salt raids continued, and the repressive measures of Government became more and more severe. India became a vast prison house.

In the meantime, attempts were being made to negotiate a settlement. The Round Table Conference, which had been convened inspite of the happenings in India, helped to speed Gandhiji's release. On January 26, 1931 Gandhiji and twentysix colleagues came out of jail to begin negotiations which ultimately resulted in the Gandhi Irwin Pact of March 5, 1931. Mutual goodwill on the part of Lord Irwin and Gandhiji was responsible for the successful termination of the negotiations. The pact was a moral victory for the Congress and its principle of non-violence. But Government parted with no real political power. The pact offered a breathing spell rather than a real peace.

The 1930-31 movement lasted a complete year. Nationalist India waged a relentless struggle, facing hardship and losses cheerfully, with no thought of resorting to violence. The British Government, armed to the teeth with all modern weapons, sought to crush the spirit of India with ordinances, the lathi and other methods of terrorism. The main forms of Satyagraha current during the struggle were civil breach of Salt Laws, non-violent raids on salt pans and depots, breach of the ordinances, no-tax campaigns in certain parts of the country, civil breach of the press laws, boycott of foreign articles and cloth, special boycott of British cloth and British concerns, general non-co-operation with Government, and boycott of the Legislatures. The campaign marked a distinct moral victory which created self-confidence among the people and confidence in the weapon of satyagraha. The pact that came at the end led the way to Congress participation in the Round Table Conference."

"CIVIL DISOBEDIENCE FOR SWARAJ 1932-34"*

"The Gandhi-Irwin Agreement, which was signed on March 5, 1931 was broken almost before the ink on it was dry. Lord Willingdon, who had succeeded Lord Irwin as Viceroy, was in no mood for compromise. When Gandhiji returned from England from Round Table Conference, he found India under Ordinance-Raj, with leading Congressmen under arrest. Although Gandhiji endeavoured to present the Congress point of view, the Viceroy was unyielding and Civil Disobedience was resumed. Gandhiji, and some fifteen thousand

*Diwakar, R.R., Satyagraha ; The Power of Truth, Hinsdale, Illinois. Henry Regnery Co., 1948. pp. 81-82.

other prominent Congressmen throughout India were picked up and arrested. Property was seized and Congress and allied organizations declared unlawful. Ordinance rule was the order of the day, with the lathi and baton very much in evidence. Soon the jails of the country were filled to capacity, with more than a hundred thousand prisoners. Repression was thorough and ruthless.

On September 12, 1932 the country heard the news that Gandhiji was going to fast unto death over the question of the Communal Award which had proposed separate electorate for the Harijans. Gandhiji commenced the fast on September 20, and broke it when the Poona Pact, which restored joint electorates to the Harijans, was signed on the twenty-sixth. Civil disobedience was continuing but removal of untouchability came to receive more serious attention. Ultimately, after a meeting of Congress workers in Poona on July 12, 1933, mass civil disobedience was given up and only individual civil disobedience continued. Attempts at reconciliation with Government failed. On April 7, 1934 civil disobedience was suspended."

(CALCUTTA SESSION 1933, The forty-seventh Session of the Indian National Congress was held in Calcutta on April 1, 1933. Pandit Madan Mohan Malviya was the President-designate, but he was arrested on the previous day on his way to Calcutta. Mrs. Nellie Sen-Gupta presided over the meeting.)*

"This Congress reaffirms the decision of the Working Committee arrived at on the 1st January, 1932. On a careful survey of all that has happened during the past fifteen months, the Congress is firmly of opinion that in the situation in which the country is placed, the Civil Disobedience Movement should be strengthened and extended, and the Congress, therefore, calls upon the people to pursue the movement with greater vigour on the lines laid down by the Working Committee in the aforesaid resolution".

MAHATMA GANDHI'S STATEMENT DATED 8th MAY 1933 SUSPENDING TEMPORARILY THE C.D. MOVEMENT

"I cannot regard this release with any degree of pleasure. As Sardar Patel rightly remarked to me yesterday, how can I take advantage of this release in order to prosecute the Civil Disobedience campaign or to guide it ? This release, therefore, puts upon me, as a seeker after truth and a man of honour, a tremendous burden

*Indian National Congress, 1930—34. Allahabad, A.I.C.C., Calcutta Session 1933. p. 174.

and strain. This fast has to continue. I had hoped and I still hope, not to excite myself over anything and not to take part in discussions of any nature whatsoever. The whole purpose of the fast will be frustrated if I allowed my brain to be occupied by any extraneous matter, that is, any matter outside the Harijan work. At the same time, having been released, I should be bound to give a little of my energies to a study of the Civil Disobedience movement.

Of course, for the moment, I can only say that my views about Civil Disobedience have undergone no change whatsoever. I have nothing but praise for the bravery and self-sacrifice of the numerous civil resisters, But having said that, I cannot help saying that the secrecy that has so attended the movement is fatal to its success. If, therefore, the movement must be continued, I would urge those who are guiding the movement in different parts of the country to discard all Secrecy. I do not care if, thereby, it becomes difficult to secure a single civil resister.

There can be no doubt that fear has seized the common mass. The Ordinances have cowed them down, and I am inclined to think that the secret methods are largely responsible for the demoralisation. The Movement of Civil Disobedience does not depend so much upon the quantity as on the quality of men and women taking part in it, and I insist on quality. If this could be done, it would immediately raise the level of the movement.

I can say nothing as to the actual campaign. The reflections I have given, I had bottled up all these many months, and I can say that Sardar Vallabhbhai is one with me in what I have said. One word I would say. Whether I like it or not, during these three weeks, all civil resisters will be in a state of terrible suspense. It would be better if the President of the Congress, Bapuji Madhavrao Aney, were to officially declare suspension for one full month or even six weeks.

Now, I would make an appeal to the Government. If they want real peace in the land, and if they feel there is no real peace, if they feel that Ordinance rule is no rule, they should take advantage of this suspension, and unconditionally discharge all the civil resisters. If I survive the ordeal, it will give me time to survey the situation, and to tender advice both to the Congress leaders and if I may venture to do so, to the Government. I would like to take up the thread at the point where I was interrupted on my return from England.

If no understanding is arrived at between the Government and the Congress as a result of my effort, and Civil Disobedience is

resumed, it will be open to the Government, if they so choose, to revive the Ordinance Rule.

If there is the will on the part of the Government, I have no doubt that a modus operandi can be found. Of this, so far as I am concerned, I am absolutely certain that Civil Disobedience cannot be withdrawn so long as so many Civil Resisters are imprisoned. No settlement can be arrived at so long as Sardar Vallabhbhai, Khan Saheb Abdul Ghaffar Khan and Pandit Jawaharlal Nehru and others are buried alive. Indeed, to call off Civil resistance is not within the power of any of the men who are out of prison. It is possible only for the Working Committee that was in existence at the time I was arrested.

I shall say no more, on the Civil Disobedience Movement. Perhaps, I have already said too much, but if I was to say anything, I could say so only whilst I have strength left in me. I would urge pressmen not to worry me any more. I would urge also would-be visitors once more to restrain themselves. Let them regard me as being still in prison. I shall be unfit for holding political discussions or any other discussions.

I would like to be left in perfect peace, and I would like to tell the Government that I shall not abuse the release. If I come safely through the ordeal and I find the political atmosphere as murky as it is today, without taking a single step secretly or openly in furtherance of Civil Disobedience, I shall invite them to take me back to Yerwada to companions whom I almost seem to have deserted.

It was a great privilege for me to have been with Sardar Vallabhbhai. I was well aware of his matchless bravery and his burning love for the country, but I had never lived with him as I had the good fortune to do during the last sixteen months. The affection with which he covered me recalls to me that of my own dear mother. I never knew him to possess motherly qualities. If the slightest thing happened to me, he would be out of his bed. He superintended every little detail in connection with my comforts. He and my other associates had conspired to let me do nothing, and I hope that the Government will believe me when I say that he always showed a remarkable comprehension of the difficulties of the Government, whenever we discussed any political problem. His solicitude for the farmers of Bardoli and Kaira I never forget."*

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*The Indian National Congress, 1930—34. Allahabad A.I.C.C., 1935. pp. 201-204.

"INDIVIDUAL SATYAGRAHA, 1940-41"

"Although Congress, in 1939, was unwilling to support the British war effort, it did not wish to embarrass England in her life and death struggle; accordingly it hit upon individual Satyagraha as a most appropriate method of expressing its dissatisfaction. It was the contention of Congress that India should be free to carry on non-violently and openly anti-war propaganda and to preach non-co-operation with the government in their war effort."

Gandhiji interviewed the Viceroy on September 27 and 30, 1940 but the Viceroy could not concede his demand for freedom to preach the war policy of the Congress in a non-violent manner, or to tell people not to help the war effort, on the grounds that all war was evil and destructive in nature. The Viceroy said that he would allow the same freedom that was given to conscientious objectors in Britain to Congressmen in India, but could go no further.

Then followed the inauguration of the Satyagraha campaign. Gandhiji laid down very strict rules and drew up a pledge. He wanted "quality" on this occasion. The campaign was opened at Paunar, on October 17, 1940, when Vinoba Bhave, selected by Gandhiji for this honour, made a public speech in which he preached the Congress war policy and exhorted the people not to help the war effort, as all war was immoral and bad. He was arrested after he had been making speeches for four days and sentenced to three months' imprisonment.

Gandhiji then directed chosen Congressmen to march on foot towards Delhi, explaining the Congress war policy as they went. Hundreds started, but many were arrested and sentenced before leaving the bounds of their own provinces.

Later Gandhiji prescribed that instead of speech of statements Satyagraha should repeat a slogan that it was wrong to help the British war effort with men and money and that non-violence was the best way of resisting all wars. On this issue about thirty thousand people courted jail. It is significant that most of the Congress representatives in Legislatures, Central and Provincial, in District Boards and Municipalities, in Congress organizations, and in public life found themselves in jail in this campaign. This campaign continued until the end of 1941, when the imminent invasion of India by the Japanese, led Government to release the Satyagrahis in an attempt to secure co-operation in the war efforts."

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*Diwakar, R.R. Satyagraha : The Power of Truth. Hinsdale, Illinois. Henry Regnery Co., 1948., pp. 82-84.

"QUIT INDIA" CAMPAIGN, 1942-1944*

"The Cripps Mission having failed, it was evident to many Indian leaders that the parting of the ways had come, and in July, 1942, the Congress Working Committee passed a resolution calling upon Britain to withdraw from India. The resolution said that if the appeal failed, Congress would then be reluctantly compelled to utilize all its non-violent strength for the vindication of the political rights and the liberty of India, under the leadership of Mahatma Gandhi. The All India Congress Committee, meeting in Bombay, on August 7 and 8, endorsed this action, resolving "to sanction for the vindication, the India's inalienable right to freedom and independence, the starting of a mass struggle on the widest possible scale, so that the country might utilize all the non-violent strength it has gathered during the last 22 years of peaceful struggle." It declared that such a struggle must inevitably be under the leadership of Gandhiji.

Before the next day dawned, Gandhiji and all the Working Committee members were arrested. Within a week everyone who mattered in the Congress organization was in jail. Then followed rule by ordinances, firings, lathi charges.....even bombings from air planes were reported from some places. At some centers people, driven to desperation, retorted in kind, attacking railways and the police. Government reported that 56 people succumbed to mob fury. It is estimated that more than 2,000 unarmed and innocent people were shot down and about 6,000 were injured by the police and military. Tens of thousands were wounded by lathis, about 150,000 jailed, and about a million and a half of rupees were imposed as collective fines. There is record of tortures, burning of houses, looting, and other atrocities by the police and military.

This struggle, which continued to May 5, 1944 was truly remarkable and incomparable with anything in past history. The few acts of unorganized violence can detract in no way from the mass awakening and mass revolt witnessed throughout India and the predominantly non-violent manner in which the masses conducted themselves. What shape the movement would have taken in Gandhiji's hands is a matter for conjecture. But even without his guidance, or without the guidance of any important leader, the struggle continued unrelentingly and paved the way for final victory. The Quit India Campaign will ever remain an important chapter in the history of non-violent resistance, if not of pure Satyagraha."

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*Diwakar R.R., Satyagraha, The Power of Truth. Hinsdale, Illinois. Henry Regnery Co., 1948. p. 84-85.

"THE QUIT INDIA MOVEMENT"*

"After the failure of Cripps Mission, Nationalism faced a serious psychological crisis. Deep and dangerous were the symptoms. Inaction and desperation reigned supreme. And all this when a foreign invasion seemed to be in the offing. Indian leadership was hard put to find a way out of the malaise. The Cabinet Proposals, the 'take it or leave it' method of negotiations, and the virulent propaganda that was opened against Indian leadership convinced once for all Indian public opinion that the British would cling to the Empire like a leech to the last. Invasion or no invasion, it mattered not to the Tory imperialists. Thus on one hand, the faith in the British had become as dead as door-nail, on the other, the danger of the Japanese invasion had increased all the more. Tokyo broadcasts were making confusion worse confounded. Instead of taking the deep plunge and facing the ordeal with cheer India stood bewildered, the very picture of inaction. To quote Pandit Nehru :

"But though the war had come to India, it had brought no exhilaration of the spirit to us, no pouring out of our energies in some glad endeavour when pain and death were forgotten and self ignored and only cause of freedom counted and the vision of future lay beyond. Only the suffering and sorrow were for us, and an awareness of impending disaster, which sharpened our perceptions and quickened pain, and which we could not even help to avert."

To end this state of inaction and sense of frustration, the Congress gave to the NATION the requisite leadership by asking the British to withdraw from India. Accordingly, the historic 'Quit India Resolution,' passed by the Working Committee at Wardha in July, was endorsed by the All-India Congress Committee on August 8, 1942, in Bombay.

The Congress resolution argued that immediate ending of British rule in India is an urgent necessity both for the sake of India and for the success of the cause of the United Nations.

The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of World freedom. As such, it demanded the withdrawal of the British power from India.

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*To give an objective view of an Indian scholar his view are quoted. Bartarya, S.C. The Indian Nationalist Movement, Allahabad, Indian Press (Publications) Private Ltd., 1958 pp. 230—238.

It declared, 'India, the classic land of modern Imperialism has become the crux of the question,' and that her freedom 'must be the symbol of and prelude to the freedom of all other Asiatic nations under foreign domination'. It will enable India to throw all her great resources in the struggle for freedom and against aggression of Nazism, Fascism and Imperialism. The Committee emphasised that the Congress was anxious not to embarrass, in any way, the defence of China or Russia, or to jeopardise the defence capacity of the United Nations.

The Congress envisaged that on the declaration of India's independence, a Provisional Government will be formed by the co-operation of the principal parties and groups in the country and its primary functions must be to defend India and resist aggression together with Allied Powers. The Provisional Government will evolve a scheme for a Constituent Assembly which will prepare a Constitution, acceptable to all sections of the people. It further declared that the future peace, security and ordered progress of the world demand a world federation and an independent India would willingly join such a world federation.

Finally the committee resolved to sanction for the vindication of India's inalienable right to freedom and independence, the starting of the mass struggle on non-violent lines, on the widest possible scale and requested Gandhiji to take the lead and guide the nation in the steps to be taken.

This comprehensive document was responsible for a historic and decisive action in the annals of the Nationalist Movement. The struggle for freedom was to be renewed afresh. The struggle in so far as the country was to utilise all the non-violent strength, it had gathered during the last 22 years of peaceful struggle* was the extension of the struggle that began as Non-co-operation in 1920.

It was the last of the three great mass movements for national emancipation conducted under Gandhian leadership. And the freedom aimed at no partisan attempt at opportunism, but was to enable India to better defend herself and play her rightful role among the United Nations in stemming the tide of aggression and in ending the exploitation and colonialism.

The Congress did not contemplate immediate action, and the doors for negotiations were kept wide open. Gandhiji had publicly given expression to his views that before launching the struggle he would write to the Viceroy and await his reply**. Gandhiji wrote in July to Chiang-Kai-Shek that he will take no hasty action, and

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*The Bombay Resolution, August 8, 1942. Quoted from Banerjee's The Making of the Indian Constitution, Vol. I, Documents, page 76.

**Sitaramayya, *The History of the Congress*, Vol. II, p. 453

whatever action is taken will he governed by the consideration that it should not injure China and encourage Japanese aggression in India or China. I am straining every nerve to avoid a conflict with British authority*. But the Government precipitated matter.

"Despite the fact that speaker after speaker emphasised the readiness of the Congress to negotiate, Government did not pay heed to such assertions and asseverations, but got ready their prisons and police, their prohibitory orders, ordinances, their guns and powder all to put down a movement that would not be inaugurated and punish people who did not transgress the law."**

The Government started its attack on the Movement with a terrible sweep reminiscent of German blitz. A general preparation for the offensive was ordered on 17th July, 1942 three days after the Wardha Resolution of the Working Committee when Sir Frederick Puckle of the Information Department of Government of India had in his circular ordered the Provincial Governments to prepare a strong case against the Congress and its demands. A day after the passing of the Quit India Resolution, that is, on August 9, 1942 all the principal leaders numbering 148 and including Gandhi, Nehru, Azad, Patel, Rajendra Prasad were arrested in Bombay and the Congress was declared illegal. This action of the Government influenced the future course of the Movement in two ways. Firstly, the sudden and sweeping arrests of the leaders frenzied the masses to the extreme and, secondly, the Movement without a programme and, without experienced helmsman and crew to guide it through the unchartered seas of non-violence, took a sudden turn towards violence. Army too played his part.

"It is stated (and it is also a fact) that Mr. Amery, the then Secretary of State for India, in a broadcast elaborated an alleged 11-point Congress programme of dislocation and sabotage***.

The programme was believed to be a genuine origin. The Axis and Indian National army boadcasts added fuel to fire. Thus the fury of the masses burst forth and almost in no time the whole of India was in the throes of a devastating revolution. Miles and miles of railway lines were uprooted, post-offices were pulled down, police stations burnt, and crores worth of Government property looted or destroyed. Millhands in the big industrial towns of Ahmedabad, Bombay and Tatanagar in lacs struck work. Students in thousands left schools and colleges and plunged deep into the struggle. Ordinances were promulgated, the press was gagged and the security of many newspapers confiscated. The Bureaucracy,

*Quoted from P. Dutt's *India To-day* p. 463.
**Sitaramayya, *The History of the Congress*, Vol. II, p. 353.
***Govind Sahai, *42 Rebellion*, p. 8.

who had preplanned their strategy, struck with a terribly heavy blow. The old weapons, the baton, the lathee, the butt of the rifle, the tear gas apparatus were thought obsolete and were soon given up. The whole country was converted into a concentration camp and no less than sixty thousands persons were cast behind the prison bars. At several places Martial Law was proclaimed, punitive police was quartered and heavy fines were imposed. Houses were indiscriminately raided and ill-treatment meted out to women. The bureaucratic resourcefulness reached its highest point of ingenuity when air-bombing was resorted to at several places. The heroic fighters remained undaunted, deeds of great valour were performed and many died valiantly facing bullet, fire and torture; several areas passed out of British control, with no vestiges of Government authority left, and were proclaimed independent. Towns like Ballia (U.P.) had to be reconquered.

Here is the analysis* of the facts and figures about the movement as given by the Government :—

No. of persons killed in firing by police or Military	...	940
No. of persons injured in firing by Police or Military	...	1,630
No. of occasions when firing was resorted to	...	538
No of persons arrested	...	60,229
No. of persons detained	...	18,000
No. of places where military was called out	...	60
No. of places where air bombing was resorted to (Patna, Bhagalpore, Nadia, Monghyr, Talchera and Tamluk)	...	6
No. of stations burnt or destroyed (till Dec.)	...	318
No. of places where telephone and telegraph wires were tampered with	...	12,000
No. of post offices raided (of this 60 were completely destroyed and 252 seriously damaged, many by fire)	...	945
No. of derailments	...	59
Loss suffered by the Railway through damage to rolling stock	...	Rs. 18,00,000
Damage to trucks	...	Rs. 9,00,000
Damage to Station Buildings	...	Rs. 8,50,000
Damage to Ancillary equipment	...	Rs. 6,50,000
Loss of cash and other valuables.	...	Rs. 2,00,000

*Govind Sahai, *42 Rebellion*, p. 21.

The Chief centres of political storm and resistance were the districts of Assam valley, Western districts of Bengal, Midnapur, Bankura, the entire province of Bihar. the eastern districts of the United Provinces, the coast areas of Orissa, East Godawari, Guntur, Coimbatore, West and East Khandesh, Satara, Baroch, Nepal Borders, the coal mines and war industries*.

The August Resolution has aroused an intense controversy, and the revolution which followed has equally been criticised.

R. P. DUTT SAYS :—

"Nevertheless the August Resolution must be judged a disastrous blunder alike in its effects within India and in its effects on world democratic opinion."**

Whereas in the opinion of JAI PRAKASH NARAYAN :—

"The revolution of 1942 occupies the same place in the history of this country, as the French and Russian revolutions in the history of their respective countries. The amplitude of the revolution of '42 has no parallel in history. In no other revolution had such vast multitudes taken part. But amplitude was not the only distinguishing feature of that Revolution. The year '42 brought about a complete transformation in the country, it gave birth to New India, and gave a new direction to its political life."***

According to R. Palme Dutt, the resolution was inopportune as the character of the war had been changed and the future of India was bound up with Russia and China. There was no visible evidence of that. Did Russia make any attempt to persuade the Allies to the ending of Colonialism and Imperialism as war aims ? All persuasion of China and America had failed to carry conviction with Churchill about Indian independence. On the morrow of the signing of the Atlantic Charter Churchill declared that it did not apply to India. Was India to wait on the goodwill and generosity of the Allies. The bitter experiences of the two world wars proved the utter futility of such hopes. Even today Colonialism in Africa and Asia shows no signs of recession or withdrawal.

The justification of Revolution and the step contemplated lay in the very logic of the situation. By no dupeful dogma for the inevitable collapse of Imperialism nor the spicy slogan of 'people's war', could slaves be made to fight for the freedom of others. The

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*Govind Sahai, *42 Rebellion*, pp. 19-20.
**R. Dutt. *India To-day*, p. 459.
***Narayan, J.P. *Foreword to Govind Sahai's '42 Rebellion.'*

bonds of passive servility had to be cast asunder. A momentous step was needed to shock people out of their complacency.

"In India it was better to convert the sullen passivity of the people into a spirit of non-submission and resistance. Though that non-submission would be, to begin with, the arbitrary orders of the British authorities, it could be turned into resistance to an invader.* By the demand of the British withdrawal the very bait to an invasion was to be removed. In the words of Gandhiji :

"The presence of the British is an invitation to Japan to invade India. Their withdrawal removes the bait."**

The August Revolution was a historic event which had a tremendous influence on the future of Indian Nationalism.

The revolution drew the attention of the world and raised to the moral plane the question of Indian Independence and of Colonialism as a whole. Wendell Wilkie in his book *'One World'* recounts that the one question that he was asked from Africa to Alaska was "What about India"? A huge propaganda by the British Government had been launched in America against Indian National Movement and in Britain after the return of Cripps, an air of complacency prevailed. This sudden outburst of political discontent contributed towards the focussing of public attention in England and America on India. A number of Americans took up the Indian cause. Pearl Buck declared that 'the old game is up in India' and Louis Fischer proclaimed that Gandhi is not pro-Japanese or pro-Axis. He is pro-British. He is pro-Chinese. He is pro-American.

The great political storm, by its amplitude and vastness, drew within its orbit a multitude of people each one of whom became his own leader. Hitherto the Nationalist Movement suffered from individual initiative. The masses always looked to the leadership for guidance. When all the main leaders had been clapped behind prison gates, the Movement threw out a host of leaders and martyrs, who performed great deeds of heroism and sacrifice. Thus the movement proved to be a gigantic experiment in training for leadership.

The most significant feature of the August Movement was the change in its tone, emphasis and accent. Whatever might have been the plan of its originators and whatever course it might have followed under their direction, it definitely became a mass revolutionary movement. With the rise of Gandhism, revolutionary

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*Nehru, *The Discovery of India*, p. 399.

**Alexander, *India Since Cripps*, p. 24.

tendencies had received a definite set-back. Undoubtedly the main stream of Indian Nationalism was that of Non-violence, yet it had been fed by many a rivulet of turbulent waters. The smouldering embers left by the war of Independence (1857) were, through the passage of time, covered up by ashes, but whenever storms blew of the ashes off, the flames of revolution were rekindled. The stirring events caused by a revolutionary wave in the beginning of this century bear ample testimony to that spirit. It is significant to note that some of the areas where the resistance to the British was the greatest in 1942, were the very same places where the tradition of the 1857 struggle against British Imperialism had left for future generations, a rich and glorious heritage. The future forebodings of this new mass revolutionary spirit were indeed clear. Its element of militancy very soon manifested itself in the Bombay Naval Mutiny, which had a profound influence on the future Indo-British relations. To the British Imperialists this revolutionary upsurge must have been a noble experience. Hereafter they had not to count on the submissive cowing down of a non-violent people, but must be prepared to face an insurrectionary uprising by revolutionary masses. Thus the Quit India Movement because of this radical transformation for the complexion of the Nationalist movement must have weighed heavily in the quitting of India by the British.

The turn of events and the tragic happenings in the country so affected Gandhiji that he undertook a fast of 21 days. From February 19, 1943, there was countrywide anxiety but miraculously Gandhiji faced the self-imposed ordeal successfully.

In April 1944, he fell ill seriously and was released on the 6th May, 1944, from the Agha Khan Palace where he was kept in prison. The Government's refusal to release Gandhiji during the critical period of his fast, led to the most magnificent, the most spectacular and the most timely resignations of Sir H.P. Mody, Shri Aney and Sarkar, members of Viceroy's Executive Council."*

*"The Quit India' Demand"***

Resolution of the All-India Congress Committee, Bombay, 8 August 1942***

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*Bartarya, S.C. The Indian Nationalist Movement. Allahabad, Indian Press (Publications) Private Ltd., 1958, pp. 230-238.

***Speeches and Documents* on the Indian Constitution, 1921-47 Vol. II, pp. 541-557.

***The resolution demanded the immediate end of British rule in India and contemplated the following arrangement regarding transfer of power : "On the withdrawal of British rule in India responsible men and women of

(*Contd. on next page*)

The All-India Congress Committee has given the most careful consideration to the reference made to it by the Working Committee in their resolution dated 14th July 1942 and to subsequent events, including the development of the war situation, the utterances of responsible spokesmen of the British Government, and the comments and criticisms made in India and abroad. The committee approves of and endorses that resolution and is of opinion that events subsequent to it have given it further justification, and have made it clear that the immediate ending of British rule in India is an urgent necessity both for the sake of India and for the success of the cause of the United Nations. The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of world freedom.

The Committee has viewed with dismay the deterioration of the situation on the Russian and Chinese fronts and conveys to the Russian and Chinese people its high appreciation of their heroism in defence of their freedom. This increasing peril makes it incumbent on all those who strive for freedom and who sympathize with the victims of aggression to examine the foundations of the policy so far pursued by the Allied Nations, which have led to repeated and disastrous failure. It is not by adhering to such aims and policies and methods that fai'ure can be converted into success, for past experience has shown that failure is inherent in them. These policies have been based not on freedom so much as on the domination of subject and colonial countries and the continuation of the imperialist tradition and method. The possession of empire, instead of adding to the strength of the ruling power, has become a burden and a curse. India, the classic land of modern imperialism, has become the crux of the question, for by the freedom of India will Britain and the United Nations be judged, and the peoples of Asia and Africa be filled with hope and enthusiasm.

(*Contd. from previous page*)

the country will come together to form a Provisional Government representative of all important sections of the people of India, which will later evolve a scheme by which a Constituent Assembly can be convened in order to prepare a constitution for the Government of India, acceptable to all sections of the people. Representatives of free India and representatives of Great Britain will confer together for the adjustment of future relations and for the co-operation of the two countries as allies in the common task of meeting aggression." The resolution did not overlook the possibility of the British Government refusing to part with power : "Should, however, this appeal fail, the Congress cannot view without the gravest apprehension the continuation of the present state of affairs involving a progressive deterioration of the situation and the weakening of India's will and power to resist aggression. The Congress will then be reluctantly compelled to utilise all the non-violent strength it might have gathered since 1920.....for the vindication of political rights and liberty. Such a widespread struggle would inevitably be under the leadership of Mahatma Gandhi."

The ending of British rule in this country is thus a vital and immediate issue on which depend the future of the war and the success of freedom and democracy. A free India will assure this success by throwing all her great resources in the struggle for freedom and against the aggression of Nazism, Fascism and Imperialism. This will not only affect materially the fortunes of the war, but will bring all subject and oppressed humanity on the side of the United Nations, and give these nations, whose ally India would be, the moral and spiritual leadership of the world. India in bondage will continue to be the symbol of British Imperialism and the taint of that imperialism will affect the fortunes of all the United Nations.

The peril of today, therefore, necessitates the independence of India and the ending of British domination. No future promises or guarantees can affect the present situation or meet that peril. They cannot produce the needed psychological effect on the mind of the masses. Only the glow of freedom now can release that energy and enthusiasm of millions of people which will immediately transform the nature of the War.

The All-India Congress Committee, therefore, repeats with all emphasis the demand for the withdrawal of the British Power from India. On the declaration of India's independence, a provisional Government will be formed and free India will become an ally of the United Nations, sharing with them in the trials and tribulations of the joint enterprise of the struggle for freedom. The provisional Government can only be formed by the co-operation of the principal parties and groups in the country. It will thus be a composite Government, representative of all important sections of the people of India. Its primary functions must be to defend India and resist aggression with all the armed as well as the non-violent forces at its command, together with its allied Powers, and to promote the well-being and progress of the workers in the fields and factories and elsewhere, to whom essentially all power and authority must belong. The provisional Government will evolve a scheme for a Constituent Assembly which will prepare a Constitution for the Government of India acceptable to all the sections of the people. This Constitution, according to the Congress view, should be a federal one, with the largest measure of autonomy for the federating units, and with the residuary powers vesting in these units. The future relations between India and the Allied Nations will be adjusted by representatives of all these free countries conferring together for their mutual advantage and for their co-operation in the common task of resisting aggression. Freedom will enable India to resist aggression effectively with the people's united will and strength behind it.

The freedom of India must be the symbol of and prelude to the freedom of all other Asiatic nations under foreign domination. Burma, Malaya, Indo China, the Dutch Indies, Iran and Iraq must also attain their complete freedom. It must be clearly understood that such of these countries as are under Japanese control now must not subsequently be placed under the rule or control of any colonial power.

While the All-India Congress Committee must primarily be concerned with the independence and defence of India in this hour of danger, the Committee is of opinion that the future peace, security and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved. Such a world federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation by one nation over another, the protection of national Minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources for the common good of all. On the establishment of such a world federation, disarmament would be practicable in all countries, national armies, navies and air forces would no longer be necessary, and a World Federal Defence Force would keep the world peace and prevent aggression.

An independent India would glady join such a world federation and co-operate on an equal basis with other nations in the solution of international problems.

Such a federation should be open to all nations who agree with its fundamental principles. In view of the war, however, the federation must inevitably, to begin with, be confined to the United Nations. Such a step taken now will have a most powerful effect on the war, on the peoples of the Axis countries, and on the peace to come.

The Committee regretfully realizes, however, that despite the tragic and overwhelming lessons of the war and the perils that overhang the world, the Governments of few countries are yet prepared to take this inevitable step towards world federation. The reaction of the British Government and the misguided criticism of the foreign Press also make it clear that even the obvious demand for India's independence is resisted, though this has been made essentially to meet the present peril and to enable India to defend herself and help China and Russia in their hour of need. The Committee is anxious not to embarrass in any way the defence of China or Russia, whose freedom is precious and must be preserved, or to jeopardize the defence capacity of the United Nations. But the peril grows both to

India and these nations, and inaction and submission to a foreign administration at this stage is not only degrading India and reducing her capacity to defend herself and resist aggression, but is no answer to the growing peril and is no service to the peoples of the United Nations. The earnest appeal of the Working Committee to Great Britain and the United Nations has so far met with no response, and the criticisms made in many foreign quarters have shown an ignorance of India's and the world's need, and sometimes even hostility to India's freedom, which is significant of a mentality of domination and racial superiority which cannot be tolerated by a proud people conscious of their strength and of the justice of their cause.

The All-India Congress Committee would yet again, at this last moment, in the interest of world freedom, renew this appeal to Britain and the United Nations. But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against an imperialist and authoritarian Government which dominates over it and prevents it from functioning in its own interest and in the interest of humanity. The Committee resolves, therefore, to sanction for the vindication of India's inalienable right to freedom and independence the starting of a mass struggle on non-violent lines on the widest possible scale, so that the country might utilize all the non-violent strength it has gathered during the last twenty-two years of peaceful struggle. Such a struggle must inevitably be under the leadership of Gandhiji and the Committee requests him to take the lead and guide the nation in the steps to be taken.

The Committee appeals to the people of India to face the dangers and hardships that will fall to their lot with courage and endurance, and to hold together under the leadership of Gandhiji, and carry out his instructions as disciplined soldiers of Indian freedom. They must remember that non-violence is the basis of this movement. A time may come when it may not be possible to issue instructions or for instructions to reach our people, and when no Congress Committees can function. When this happens, every man and woman who is participating in this movement must function for himself or herself within the four corners of the general instructions issued. Every Indian who desires freedom and strives for it must be his own guide, urging him on along the hard road where there is no resting place and which leads ultimately to the independence and deliverance of India.

Lastly, whilst the All-India Congress Committee has stated its own view of the future governance under free India, the All-India

Congress Committee wishes to make it quite clear to all concerned that by embarking on mass struggle it has no intention of gaining power for the Congress. The power, when it comes, will belong to the whole people of India.

*Resolution of the Working Committee of the All-India Muslim League, 16-20 August 1942**

The Working Committee of the All-India Muslim League having given their deep and anxious consideration to the present political development in the country, deplore the decision arrived at by the All-India Congress Committee on 8 August 1942 to launch an 'open rebellion' by resorting to mass civil disobedience movement in pursuance of their objective of establishing Congress Hindu domination in India, which has resulted in lawlessness and considerable destruction of life and property.

It is the considered opinion of the Working Committee that this movement is directed not only to coerce the British Government into handing over power to a Hindu oligarchy and thus disabling themselves from carrying out their moral obligations and pledges given to the Mussulmans and other sections of the peoples of India from time to time, but also to force the Mussulmans to submit and surrender to the Congress terms and dictation.

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The Mussulmans are not a whit less insistent on freedom for the country and the achievement of independence of the people of India, which is the creed of the All-India Muslim League. They are, however, firmly convinced that the present Congress movement is not directed for securing the independence of all the constituent elements in the life of the country, but for the establishment of Hindu *Raj* and to deal a death blow to the Muslim goal of Pakistan.

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In these circumstances, the Working Committee of the All-India Muslim League, after anxious and careful consideration, call upon the Mussulmans to abstain from any participation in the movement initiated by the Congress and to continue to pursue their normal peaceful life.

*Gandhiji's attempts to bring about a Congress-Government understanding, July 1944***.

**The Indian Annual Register* (1942), vol. II. pp. 283-5.

***In order to break the political deadlock Gandhiji sought permission to meet the members of the Congress Working Committee who were in prison, but his request was turned down by His Excellency the Viceroy in June 1944. He next tried to set the ball of negotiations with Government rolling through the mediation of Mr. Gelder of the *News Chronicle* (a Daily newspaper published in England), but his interview received premature publicity. Gandhiji again made a direct approach to Lord Linlithgow and he was asked to submit concrete proposals for consideration. The extracts given here contain Gandhiji's proposals and Lord Linlithgow's reply.

*Gandhiji's letter to His Excellency the Viceroy, Lord Wavell, 27 July, 1944**

Here is my concrete proposal.

I am prepared to advise the Working Committee to declare that in view of changed conditions, mass civil disobedience envisaged by the resolution of August 1942 cannot be offered and that full co-operation in the war effort should be given by the Congress, if a declaration of immediate Indian independence is made and a National Government responsible to the Central Assembly be formed subject to the proviso that during the pendency of the war the military operations should continue as at present but without involving any financial burden on India. If there is a desire on the part of the British Government for a settlement, friendly talks should take the place of correspondence. But I am in your hands. I shall continue to knock so long as there is the least hope of an honourable settlement.

After the foregoing was written I saw Lord Munster's speech in the House of Lords. The summary given by him in House of Lords fairly represents my proposal. This summary may serve as a basis for mutual friendly discussion.

*Letter from His Excellency the Viceroy, Lord Wavell, to Gandhiji, 15 August 1944***.

Thank you for your letter of 27th July. Your proposals are that you should undertake to advise the Working Committee (*a*) 'that in view of changed conditions mass civil disobedience envisaged by the resolution of August 1942 cannot be offered' and (*b*) 'that full co-operation in the war effort should be given by the Congress', provided that His Majesty's Government (*a*) declare immediate Indian independence and (*b*) form a 'National Government' responsible to the Central Assembly 'subject to the proviso that during the pendency of the war the military operations should continue as at present but without involving any financial burden on India.'

His Majesty's Government remain most anxious that a settlement of the Indian problem should be reached. But proposals such as those put forward by you are quite unacceptable to His Majesty's Government as a basis for discussion and you must realize this if you have read Mr. Amery's statement in the House of Commons on July 28th last. They are, indeed, very similar to the proposals made by Maulana Abul Kalam Azad to Sir Stafford Cripps in April 1942 and His Majesty's Government's reasons for rejecting them are the same as they were then.

**The Indian Annual Register* (1944), vol. II, p. 182.

***Ibid.*, pp. 182-3.

Without recapitulating all these reasons in detail, I should remind you that His Majesty's Government at that time made it clear (*a*) that their offer of unqualified freedom after the cessation of the hostilities was made conditional upon the framing of a Constitution agreed by the main elements of India's national life and the negotiation of the necessary treaty arrangements with His Majesty's Government, (*b*) that it is impossible during the period of hostilities to bring about any change in the Constitution by which means alone a 'National Government' such as you suggest could be made responsible to the Central Assembly.

The object of these conditions was to ensure the fulfilment of their duty to safeguard the interests of the racial and religious Minorities and of the Depressed Classes and their treaty obligations to the Indian States.

It was upon the above conditions that His Majesty's Government invited Indian leaders to take part in an Interim Government which would operate under the existing Constitution. I must make it quite clear that until the war is over, responsibility for defence and military operations cannot be divided from the other responsibilities of Government and that until hostilities cease and the new Constitution is in operation, His Majesty's Government and the Governor-General must retain their responsibility over the entire field. So far as the question of India's share of the cost of the war is concerned this is essentially a matter for settlement between His Majesty's Government on the one hand and the Government of India on the other hand and the existing financial arrangements can only be reopened at the instance of one or the other.

It is clear in these circumstances that no purpose would be served by discussion on the basis which you suggest. If, however, the leaders of the Hindus, the Muslims and the important Minorities were willing to co-operate in a transitional Government established and working within the present Constitution, I believe good progress might be made. For such a transitional Government to succeed there must, before it is formed, be agreement in principle between Hindus and Muslims and all the important elements as to the method by which the new Constitution should be framed. The agreement is a matter for Indians themselves. Until the Indian leaders have come closer together than they are now, I doubt if I myself can do anything to help. Let me remind you too that minority problems are not easy. They are real and can be solved only by mutual compromise and tolerance.

The period after the termination of hostilities for which the transitional Government would last would depend on the speed

with which the new Constitution should be framed. I see no reason why preliminary work on that Constitution should not begin as soon as the Indian leaders are prepared to co-operate to that end. If they can arrive at a genuine agreement as to the method of framing the Constitution, no unnecessary time need be spent after the war in reaching final conclusions and in agreeing to treaty arrangements with His Majesty's Government. There again the primary responsibility rests on the Indian leaders.*

Mr. C. Rajagopalachari's formula to end Congress-League deadlock.

*Mr. C. Rajagopalachari's resolution on the issue of self-determination for Muslims, 29 April to 2 May 1942.***

The All-India Congress Committee notes with deep regret that the attempts to establish a National Government for India to enable her to face the problems arising out of the present grave situation have failed and that as a result of this nationalist India has been placed in a dilemma. It is impossible for the people to think in terms of neutrality or passivity during an invasion by an enemy power. Neither is it practicable to organize an effective defence, independently and uncoordinated with the defence measures of the Government. It is absolutely and urgently necessary in the best interests of the country at this hour of peril to do all that Congress can possibly do to remove every obstacle in the way of establishment of a national administration to face the present situation : and, therefore, inasmuch as the Muslim League has insisted on the recognition of the right of separation of certain areas from united India upon the ascertainment of the wishes of the people of such areas, as a condition precedent for united national action at this moment of grave national danger, the All-India Congress Committee is of opinion that to sacrifice the chances of the formation of a National Government at this grave crisis for the doubtful advantage of maintaining a controversy over the unity of India is a most unwise policy and that it has become necessary to choose the lesser evil and acknowledge the Muslim League's claim for separation, should the same be persisted in when the time comes for framing a

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*In his statement on the Viceroy's reply to his proposals, Gandhiji said : 'The final Government reply is positive proof that the British Government have no intention of winning public support. I do not confine myself to the Congress, since its main demand has been backed by almost all political parties. So far as the technical winning of the war is concerned, they have evidently no need for such support. Moral support they seem to despise.'—*The Indian Annual Register* (1944), vol. II, p. 183.

**The All-India Congress Committee rejected this resolution, 120 voting against and 15 for it.—*The Indian National Congress, Resolutions, 1940-6* (All-India Congress Committee, Allahabad), p. 28.

Constitution for India, and thereby remove all doubts and fears in this regard, and to invite the Muslim League for a consultation for the purpose of arriving at an agreement and securing the installation of a National Government to meet the present emergency.

*Resolution on the 'Unity of India' passed by the All-India Congress Committee, 29 April to 2 May 1942**

The All-India Congress Committee is of opinion that any proposal to disintegrate India by giving liberty to any component state or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of the different States and Provinces and the country as a whole and the Congress, therefore, cannot agree to any such proposal.

*Mr. C. Rajagopalachari's formula, 10 July 1944***.

Basis for terms of settlement between the Indian National Congress and the All-India Muslim League to which Gandhiji and Mr. Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve :

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*This resolution, moved by Mr. Jagat Narayan Lal, was intended to counter Mr. C. Rajagopalachari's resolution regarding Pakistan which was rejected by the Committee. It was passed by the Committee, 92 voting for and 17 voting against.—*ibid.*, p. 27

***Gandhi-Jinnah Talks, July-October 1944* (*The Hindustan Times*, New Delhi, 1944), p. 36.

The formula, which was intended to serve as a basis for settlement between the Indian National Congress and the All-India Muslim League, was approved by Gandhiji in March 1943, during his epic fast. It was communicated to Mr. Jinnah on 8 April 1944, and was made public for the first time on 10 July, 1944. It formed the basis of the July-October 1944 negotiations between Gandhiji and Mr. Jinnah which ended in failure.

The following statement of Raja Maheswar Dayal Seth, a prominent member of the All-India Hindu Mahasabha. regarding the terms for compromise offered by Mr. Jinnah in September 1942, is of historical importance. Mr. Jinnah, however, denied having made the offer referred to in the statement :

'The proposals made by Mr. C. Rajagopalachari for a communal settlement with the approval of Mahatma Gandhi are none other than those which Mr. Jinnah himself had proposed, and are in accordance with the famous Pakistan resolution of the Muslim League passed at its Lahore session in 1940.

'I may take the public into confidence and State that the Working Committee of the All India Hindu Mahasabha in August 1942 appointed a special committee to negotiate with leaders of principal parties and to mobilize public opinion in support of the national demand. I was then General Secretary of the Hindu Mahasabha and, on behalf of this committee, carried on negotiations with Mr. Jinnah, and through the help of a common friend who holds a very important position in the Muslim League, the following terms were offered by Mr. Jinnah for compromise :

'The leader of the Muslim League endorses the national demand for freedom as adumbrated in the resolution of August 30, 1942 of the Working Committee of the All-India Hindu Mahasabha and expresses the League's readiness to join other parties to fight for and win freedom immediately, provided a settlement is reached with the League guaranteeing certain broad principles. In the event of such a settlement being reached the League will co operate in the formation of Provincial Composite Governments.

(*Contd. on next page*)

(1) Subject to the terms set out below as regards the constitution for free India, the Muslim League endorses the Indian demand for independence and will co-operate with the Congress in the formation of a provisional interim Government for the transitional period.

(2) After the termination of the war, a commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming a sovereign State separate from Hindustan, such decision shall be given effect to, without prejudice to the right of districts on the border to choose to join either State.

(*Contd. from previous page*).

'The broad principles to be agreed to are that after the war :

(*a*) A commission shall be appointed to mark out contiguous areas in the north-west and north-east of India where the Muslim population is in majority.

(N.B. Mr. Jinnah personally told Dr. Shyama Prasad Mookerji, Chairman of the Special Committee, when he met him in September 1942 that the majority did not actually mean 51 per cent. It should be more, say, 55 per cent.)

(*b*) In these two areas there shall be a universal plebiscite and if the majority of the population vote in favour of a separate sovereign state such a state shall be formed.

(*c*) In the event of separation Muslims shall not demand any safeguard for the Muslim minority in Hindustan. It will be open to the two Indias to arrange on a reciprocal basis safeguards for religious minorities in the respective States.

(*d*) There shall be no corridor between the two Muslim areas in the north-west and north-east of India but the two areas shall constitute one sovereign State.

(*e*) Indian States shall be left out of consideration.

(*f*) A Government machinery shall be provided for giving due facilities for transfer of population, absolutely on voluntary basis.

'So it will be seen that there is practically no change in the proposals made by Rajaji.

'Of course, neither I nor the Hindu Mahasabha could accept these proposals as we could not possibly be a party to any proposals for the vivisection of the country in any shape or form. But at the conference held by Sir Tej Bahadur Sapru at his place at Allahabad in December 1942 which was attended among others by Mr. Rajagopalachari, I simply read out the terms offered on behalf of the League for settlement and I gave a copy of it to Mr. Rajagopalachari as well who showed it to Mahatmaji during his 21 days' fast in March 1943 and got his approval to the proposals.

'Rajaji called me to Delhi on March 26, 1943, and I again got into touch with Mr. Jinnah through another common friend holding an equally important position in the League but, to my great surprise, Mr. Jinnah was unwilling to accept the terms which he himself had offered in September 1942.'
—*The Indian Annual Register* (1944), Vol. II, pp. 60-1.

Quoted from "*Speeches and Documents on Indian Constitution*, 1921—47. Vol. II, pp. 547-49.

(3) It will be open to all parties to advocate their points of view before the plebiscite is held.

(4) In the event of separation, mutual agreements shall be entered into for safeguarding defence, and commerce and communications and for other essential purposes.

(5) Any transfer of population shall only be on an absolutely voluntary basis.

(6) These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India.

Correspondence between Mr. M. A. Jinnah and Gandhiji

(*i*) Gandhiji's letter to Mr. M. A. Jinnah, 24 September 1944*

With your assistance, I am exploring the possibilities of reaching an agreement, so that the claim embodied in the Muslim League Resolution of Lahore may be reasonably satisfied. You must, therefore, have no apprehensions that the August Resolution will stand in the way of our settlement.

I proceed on the assumption that India is not to be regarded as two or more nations, but as one family consisting of many members of whom the Muslims living in the north-west zones, *i.e.*, Baluchistan, Sind, North-West Frontier Province, and that part of the Punjab where they are in absolute majority over all the other elements, and in parts of the Bengal and Assam where they are in absolute majority desire to live in separation from the rest of India.

Differing from you on the general basis, I can yet recommend to the Congress and the country the acceptance of the claim for separation contained in the Muslim League Resolution of Lahore 1940 on my basis and on the following terms :

(*a*) The areas should be demarcated by a commission approved by the Congress and the League. The wishes of the inhabitants of the areas demarcated should be ascertained through the votes of the adult population of the areas or through some equivalent method.

(*b*) If the vote is in favour of separation, it shall be agreed that these areas shall form a separate State as soon as possible after India is free from foreign domination and can, therefore be constituted into two sovereign independent States.

(*c*) There shall be a Treaty of Separation which should also provide for the efficient and satisfactory administration of Foreign Affairs, Defence, Internal Communications, Customs, Commerce and the like, which must necessarily continue to be matters of common interest between the contracting parties.

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*Mahatma Gandhi, *To the Protagonists of Pakistan*: A. T. Hingorani, Karachi, 1947, pp. 132-3,

(*d*) The Treaty shall also contain terms for safeguarding the rights of Minorities in the Two States.

(*e*) Immediately on the acceptance of this agreement by the Congress and the League, the two shall decide upon a common course of action for the attainment of independence of India.

(*f*) The League will, however, be free to remain out of any direct action to which the Congress may resort and in which the League may not be willing to participate.

If you do not agree to these terms, could you let me know in precise terms what you would have me to accept in terms of the Lahore Resolution and bind myself to recommend to the Congress ? If you could kindly do this, I shall be able to see, apart from the difference in approach, what definite terms I can agree to.

(*ii*) Mr. M. A. Jinnah's letter to Gandhiji, 25 September 1944*

You have already rejected the basis and fundamental principles of the Lahore Resolution.

You do not accept that the Mussulmans of India are a nation.

You do not accept that the Mussulmans have an inherent right of self-determination.

You do not accept that they alone are entitled to exercise this right of theirs for self-determination.

You do not accept that Pakistan is composed of two zones, north-west and north-east comprising six Provinces, namely, Sind, Baluchistan, North-West Frontier Province, the Punjab, Bengal and Assam, subject to territorial adjustments that may be agreed upon, as indicated in the Lahore Resolution. The matter of demarcating and defining the territories can be taken up after the fundamentals above-mentioned are accepted, and for that purpose machinery may be set up by agreement.

* * *

As a result of our correspondence and discussions, I find that the question of India as Pakistan and Hindustan is only on your lips and it does not come from your heart.

* * *

Now, let me take your main terms :

(*a*) 'I proceed on the assumption that India is not to be regarded as two or more na ions but as one family consisting of many members, of whom the Muslims living in the north-west zone, *i.e.*, Baluchistan, Sind, North-West Frontier Province and that part of the Punjab where they are in *absolute* majority over all the other

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*Mahatma Gandhi, *To the Protagonists of Pakistan*, pp. 133-7.

elements, and in parts of Bengal and Assam where they are in *absolute* majority desire to live in separation from the rest of India.' If this term were accepted and given effect to, the present boundaries of these Provinces would be maimed and mutilated beyond redemption and leave us only with the husk, and it is opposed to the Lahore Resolution.

(*b*) That even in those mutilated areas so defined, the rights of self-determination will not be exercised by the Muslims, but by the inhabitants of those areas so demarcated. This again is opposed to the fundamentals of the Lahore Resolution.

(*c*) That if the vote is in favour of separation, they shall be allowed to 'form a separate State as soon as possible after India is free from foreign domination'. Whereas we propose that we should come to a complete settlement of our own immediately, and by our united front and efforts do everything in our power to secure the freedom and independence of the peoples of India on the basis of Pakistan and Hindustan.

(*d*) Next you say : 'There shall be a Treaty of Separation which should also provide for the efficient and satisfactory administration of Foreign Affairs, Defence, Internal Communications, Customs, Commerce, and the like which must necessarily continue to be matters of common interest between the contracting parties.' If these vital matters are to be administered by some Central authority you do not indicate what sort of authority or machinery will be set up to administer these matters, and how and to whom again that authority will be responsible. According to the Lahore Resolution, as I have already explained to you, all these matters, which are the life-blood of any State, cannot be delegated to any Central authority or Government. The matter of security of the two States and the natural and mutual obligations that may arise out of physical contiguity will be for the constitution-making body of Pakistan and that of Hindustan, or other party concerned, to deal with on the footing of their being two independent States. As regards the safeguarding of the rights of Minorities, I have already explained that this question of safeguarding the Minorities is fully stated in the Lahore Resolution.

You will, therefore, see that the entire basis of your new proposal is fundamentally opposed to the Lahore Resolution.

*Statement by Mr. M. A. Jinnah, 4 October 1944**

Let us examine at least the main points of Gandhi's own offer :

**Gandhi-Jinnah Talks, July-October 1944* (*The Hindustan Times*, New Delhi, 1944), pp. 49-53.

1. Immediate grant of independence to India as one single national unit.

2. Immediately setting up of a national provisional Interim Government of his conception...which is as follows : 'A provisional Interim Government which will be responsible to the elected members of the present Assembly or a newly elected one. It will have all the powers less those of the Commander-in-Chief during the war, and full powers thereafter. It will be the authority to give effect to the agreement that may be arrived at between the Congress and the League.' By the by, it does not only recognize the existence of a third party, but hands over to him all the powers of the Commander-in-Chief during the war, and Defence, which is the most vital and overpowering Department. This clearly means the establishment immediately of a Central Unitary or federal Government incharge of the entire civil administration with an overwhelming majority of Hindus in the legislature, which will be not less than 75 percent, to which the Cabinet will be responsible.

3. That when such a Government is established, it will be for this Government, so established, to frame the constitution of free India or it will set up an authority which will frame the Constitution after the British power is withdrawn.

4. That this National Government will draft the treaty and agreements as regards the administration of matters of common interest as now made clear in what he calls his own offer, namely, in matters such as Foreign Affairs, Defence, Internal Communications, Customs, Commerce and the like which he maintains must necessarily continue to be matters of common interest under an efficient and satisfactory administration of a Central authority or Government. This can only mean that all these vital matters which constitute the life-blood of the state will remain vested in the National Federal Government proposed by him, to which finally full powers and responsibility for the Government of India will be transfered. It is therefore clear that the National Government will be brought into full being, established, and well in the saddle according to these terms, with an overwhelming and solid majority of Hindus, which virtually would be a Hindu *raj*.

5. Then we are asked to agree to the most tortuous terms and accept the principle upon which areas are to be demarcated, namely district-wise, wherein the Muslim population is in absolute majority, which according to Mr. Gandhi means that only that district will be recognized in which the Muslims have a majority of something like 75 per cent, for he says that by absolute majority he means as in Sind, Baluchistan or the North-West Frontier Province, but

according to Mr. Rajagopalachari, absolute majority means as understood in legal parlance. Apart from the fact that the joint authors already differ, I find from the dictionary that it means 'a majority of all members of a body (including those voting and those not voting)'.

6. That in areas thus demarcated, there will be promiscuous plebiscite on the basis of adult suffrage or other practicable franchise and the form and the franchise will be decided again by the National Government referred to above, unless we can agree upon it beforehand.

It is when we have agreed to all these terms then alone comes the question of separation of those mutilated broken areas again subject to further conditions : (1) this matter can only be considered after the termination of the war, and (2) after the transfer of full power and responsibility for the Government of India to this National Government, and it will be then that this National Government will set up a Commission for demarcating contiguous districts as stated above, and complete its work of sheer vandalism, especially in the Punjab, Bengal and Assam and then its findings will be given effect to by this National Government and if these poor areas so paralysed desire to sever or separate from the all-India united, federal Government, fully and firmly established, then they must submit to and go through a promiscuous plebiscite, and if the verdict is in favour of the Muslims, even then all matters of vital importance, such as Foreign Affairs, Defence, Internal Communications, Customs, Commerce and the like shall remain vested in and continue to be administered by a Central authority or Government.

This is what Mr. Gandhi calls a partition or division between two brothers, and it is really amazing that he should repeat *ad nauseam* that he has by his offer satisfied the essence or substance of the Lahore Resolution. It would be difficult to conceive of a more disingenuous, tortuous and crooked assertion, which he keeps on repeating naively.

What is the use of misleading people and making confusion worse confounded ? If we accept these terms, which present us with a veritable trap and a slough of death, it means the burial of Pakistan.

Mr. Jinnah was asked whether he had any scheme for the Constitution of Pakistan. Mr. Jinnah said that the principle of Pakistan should be first accepted and the scheme would be formulated thereafter.

Further explaining the point Mr. Jinnah referred to a previous question, namely, the absence of two contracting Governments on behalf of Hindustan and Pakistan and said that it was true there were no *de jure* Governments. If the principle of division was accepted then it followed that both Hindustan and Pakistan would have to choose their own constitution-making bodies. Those bodies as representing two sovereign States would deal with questions of mutual and natural relations and obligations by virtue of the physical contiguity of the States and they would then as two independent sovereign States—two nations—come to an agreement on various matters. 'Take the case of America', he said, 'There are 23 independent sovereign States in America. They have their treaties and agreements with regard to their mutual interest. Even so the States in Europe have their own agreements with each other for inter-trade and commerce and even alliances. These are things that can be adjusted. Agreements and treaties are entered into even between two countries that have no physical contiguity. Here the two nations are neighbours and have physical contiguity.

*Gandhiji's reply to Sapru Committee questionnaire regarding his talks with Mr. M.A. Jinnah.**

Q. In his letter of the 17th of September, Mr. Jinnah says that 'the word (Pakistan) has now become synonymous with the Lahore Resolution. Did you ask him whether in accordance with the Lahore Resolution of the All-India Muslim League a scheme of Constitution in accordance with the basic principles providing for the assumption finally by the respective regions of all powers such as Defence, External Affairs, Communications, Customs and such other matters as may be necessary had been prepared ? Was your attention drawn to any such scheme by Mr. Jinnah ?

A. No. Qaid-e-Azam's [Mr. Jinnah's] position unfortunately was that while he could come as far as seeing me and trying to convince me of his position, he, the President of the League, could not discuss details with me, a mere individual. But so far as I could gather from our conversations, he had no prepared scheme. As the correspondence shows, he had referred me to two books both of which I read, but neither of which could help me to understand Qaid-e-Azam's [Mr. Jinnah's] exact position. One thing he insisted upon was that if I first accepted the Pakistan of his conception, he could then discuss other things with me even though I was but an individual.

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*Mahatma Gandhi, *To the Protagonists of Pakistan*, pp. 161-5.

Q. Is it true that the real breakdown between you and Mr. Jinnah came about on the question of central authority or Government ? Please refer in this connexion to Mr. Jinnah's letter of the 25th of September, clause (*d*) in which he says : 'If these vital matters (suggested in the quotation from your letter with which clause (*d*) begins) are to be administered by some central authority, you do not indicate what sort of authority or machinery will be set up to administer those matters, and how and to whom again that authority will be responsible.' Did you, at any stage, indicate to him that you wanted a Central Government or a Central Legislature to deal with a limited number of subjects, such as, Foreign Affairs, Defence, Internal Communications, Customs, Commerce and the like ?

A. It can be said that the breakdown took place because we would not come to agreement on the 'two-nations' theory of Qaid-e-Azam's [Mr. Jinnah's]. As the correspondence will show, I wanted to avoid a Central Government. I suggested an authority acceptable to both the parties, but he would insist first on complete partition as between two nations, and then an agreement between them as on Foreign Affairs, etc. He would not agree to anything simultaneous.

Q. In that very clause [clause (*d*)] Mr. Jinnah says : 'According to the Lahore Resolution, as I have already explained to you, all these matters, which are the life-blood of any state, cannot be delegated to any Central authority or Government.' Then, he says that 'the matter of security of the two States and the natural and mutual obligations that may arise out of physical contiguity will be for the constitution-making body of Pakistan and that of Hindustan, or other party concerned, to deal with on the footing of their being two independent States.' Did you understand Mr. Jinnah's position to be that he intended that Pakistan and Hindustan should be completely independent sovereign States with no connexion between them except by treaty ? If so, did he tell you what was to happen if either party broke the treaty and what was the authority which could enforce the provisions of such a treaty ?

A. Of course, he wanted two independent sovereign States with no connexion between them except by treaty. If any party broke the treaty, the consequence would be what has happened throughout the world until now *i.e.*, war. Therefore, I did not ask and he did not tell me as to what would happen if either party broke the treaty.

Q. As regards the C.R. Formula [Mr. C. Rajagopalachari's

Formula], can you explain why Mr. Jinnah was opposed to clause 2 of that Formula which demanded a plebiscite of all the inhabitants on the basis of adult suffrage or other practical franchise ? Did you understand him to say that in the areas demarcated for Pakistan, the Minorities shall be given chance of expressing their choice of staying in Pakistan or not being separated from the rest of the country ?

A. Qaid-e-Azam [Mr. Jinnah] would not have the plebiscite of the Muslims because he thought the League represented the Muslims of India, and that the other communities should have no voice as to Pakistan which was Muslims' exclusive right wherever they were in a majority.

Q. Please refer to your proposals contained in the letter of the 24th of September in which you said : 'There shall be a Treaty of Separation which should also provide for the efficient and satisfactory administration of Foreign Affairs, Defence, Internal Communications, Customs, Commerce and the like, which must necessarily continue to be the matters of common interests between the contracting parties.' Please explain how that treaty would provide for the efficient and satisfactory administration of these matters, and whether you contemplated any machinery which could give effect to the decisions embodied in that treaty. If so, what is the nature of that machinery which you had in mind ?

A. I suggested a Board of Representatives of both the States. It was to be an Arbitration Board with administrative powers. For the due carrying out of its dicisions, it would largely or solely depend upon the goodwill of the parties or States. But I should not object to a machinery jointly devised by the two States.

Q. Have you any objection to the Provinces or States enjoying the fullest autonomy with residuary powers vested in them ?

A. None whatsoever.

* * *

Q. In your press statement dated the 28th of September, 1944 you said : "I urged that apart from the 'two-nations' theory, if I could accept the principle of devision of India in accordance with the demand of the League, he should accept it. But, unfortunately, it was there just we split." Please explain this more clearly.

A. I think I am explicit enough. I meant that apart from conceding the 'two-nations' theory, I accepted the concerete suggestion of division of India as between members of the same family and, therefore, reserving for partnership things of common interest.

But Qaid-e-Azam [Mr. Jinnah] would have nothing short of the 'two-nations' theory and, therefore, complete dissolution amounting to full sovereignty in the first instance. It was just here that we split, as I have said before.

Q. Are you prepared to admit that the Muslims in India are a separate nation ? If so, then why do you deny the Muslims the right of having a separate independent State ? If you are not prepared to admit that the Muslims are a separate nation, then on what principle do you agree to a division of India to the limited extent to which you seem to have agreed in the course of your conversation and correspondence with Mr. Jinnah ? In this connexion, please refer to your interview to the *News Chronicle* on the 29th of September, 1944.

A. Although I could not agree to the 'two-nations' theory I agreed on the basis of members of a family desiring severance of the family tie in matters of conflict, but not in all matters so as to become enemies one of the other, as if there was nothing common between the two except enmity.

*Text of the draft Desai-Liaquat Ali Pact, 1944, as published by Nawabzada Liaquat Ali Khan**

The Congress and the League agree that they will join in forming an Interim Government in the Centre. The composition of such Government will be on the following lines :

(*a*) An equal number of persons nominated by the Congress and the League in the Central Executive (the persons nominated need not be members of the Central Legislature).

(*b*) Representatives of Minorities (in particular the Scheduled Castes and the Sikhs),

(*c*) The Commander-in-Chief.

The Government will be formed and function within the framework of the existing Government of India Act. It is, however, understood that, if the Cabinet cannot get a particular measure passed by the Legislative Assembly, they will not enforce the same by resort to any of the reserve powers of the Governor-General or the Viceroy. This will make them sufficiently independent of the Governor-General.

It is agreed between the Congress and the League that, if such Interim Government is formed, their first step would be to release the Working Committee members of the Congress.

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*This was one of the abortive attempts to bring about a Congress-League understanding, and it was repudiated both by Mr. Jinnah and Nawabzada Liaquat Ali.

The steps by which efforts would be made to achieve this end are at present indicated to take the following course :

On the basis of the above understanding, some way should be found to get the Governor-General to make a proposal or suggestion that he desires an Interim Government to be formed in the Centre on the agreement between the Congress and the League and when the Governor-General invites Mr. Jinnah and Mr. Desai either jointly or separately, the above proposals would be made declaring that they are prepared to join in forming the Government.

The next step would be to get the withdrawal of Section 93 in the Provinces and to form as soon as possible Provincial Governments on the lines of a coalition.

His Excellency the Viceroy, Lord Wavell, on the problem of Indian Unity, 17 February 1944

On the main problem of Indian unity, the difference between Hindu and Muslim, I can only say this. You cannot alter geography. From the point of view of defence, of relations with the outside world, of many internal and external economic problems, India is a natural unit. What arrangements you decide to make for two great communities and certain other important Minorities, as well as the Indian States, to live within that unit and to make the best use of its wealth and opportunities is for Indians to decide. That two communities and even two nations can make arrangements to live together in spite of differing cultures or religions, history provides many examples. The solutions of the problem have varied. England and Scotland, after centuries of strife, arrived at an absolute union ; in Canada, the British and French elements reached a federal agreement which operates satisfactorily ; the French, Italian and German elements in Switzerland agreed on a different form of federation. In all the above there were religious as well as racial differences. In the United States many elements, racial and religious, have been fused into one great nation with a federal structure, after the bitter experience of a disastrous Civil War. In Ireland the conflicting elements have so far failed to unite, and Ireland has a sort of Pakistan, though the analogy is of course only relative. The Soviet Union in Russia seems to have devised a new modification of its already flexible system, which will also no doubt repay careful study. These examples are before India for her constitutionalists to study. It is for her to say which will most nearly fulfil her own needs. But no man can alter geography.

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The General Secretary reported to the Committee that the A.I.C.C. funds amounting to about Rs. 70,000 were confiscated by

the Government of Bombay in 1942 after the declaration of the A.I.C.C. as an illagal body. It was decided that Shri Bhulabhai Desai should take necessary steps legal or otherwise for the restoration of the confiscated funds.

(W.C. : Sep. 12-18, 1945 : Poona : V).

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The question of rendering relief to political sufferers was considered. It was decided that the work of organizing relief for political sufferers should be left to the Provincial Congress Committees.

[W.C. : Dec. 7-11, 1945 ; Calcutta : XI (5)].

CHAPTER V

COMMERCE AND INDUSTRY

Note. The original aim of the East India Company which dominated India, before its taking over by the Crown in 1858, was more commercial than political. In fact the merchants of the Company wanted "to make India an agricultural colony of British Capitalism, supplying raw materials and buying manufactured goods". The extent to which India was exploited by the British policies, is clear from the paragraph given below from the Indian Famine Commission Report of 1880 :

"At the root of much of the poverty of the people of India, and of the risks to which they are exposed in seasons of scarcity, lie, the unfortunate circumstances that agriculture forms almost the sole occupation, and that no remedy for the present evils can be complete which does not include the introduction of a diversity of occupations, through which the surplus population may be drawn from agricultural pursuits and let to find the means of subsistence in manufactures or some such employment."

Between the publication of the Famine Commission Report in 1880 and the formation of the Indian National Congress in 1885, the trade and industry of India deteriorated further. It is unusual why the issue of improvement of trade and industry did not find place in the objectives of the Congress as enunciated by its first President Sir W.C. Bannerji, in his Presidential address. However, it cannot be denied that one of the most important reasons of rise of the Indian National Movement was the growing impoverishment, desperation of the peasantry and deterioration of trade and industry in India. Between the 1885 and till the launching of the *Swadeshi* Movement as a form of the protest against the partition of Bengal in 1905, the Congress passed a few resolutions protesting against the export of those goods which were already in great demand in India. But when the leaders in Bengal realized that they had no protection against the despotic move of the Government, they as an extreme move decided to start the *Swadeshi* movement as a patriotic offensive. The leaders, who prior to Mahatma Gandhi's appearance on the political scene of India, launched the movement "as a means of saving country's industrial programme" were Bal Gangadhar Tilak, Lajpat Rai, Aurobindo Ghosh and Bipin Chandra Pal. To

Mahatma Gandhi, the *Swadeshi* movement was not only the birth right of the people, but through it, he wanted to uplift the morale of the nation. To him, it was a great means for the emancipation of Indian people. For him boycott of foreign goods was a sort of substitute for violent methods, because it was to be a symbol of complete non-violence. He wanted the Indian peasant, who was being ruined by the Lancashire Trade, not merely to refuse to purchase the cheap and attractive foreign cloth, but also to utilize spare time in spinning and weaving. His concept of *Swadeshi* and cottage industries is quite clear from his memorable speech which he delivered in the court of C.N. Broomfield, District and Sessions Judge, Ahmedabad on March 18, 1922 during the course of great trial. He said : ".....that the British connection had made India more helpless than she ever was before, politically and economically.....She has become so poor that she has little power of resisting famines. Before the British advent India spun and wove in her millions of cottages, just to supplement she needed for adding to her meagre agricultural resources. *This cottage industry, so vital for India's existence, has been ruined by incredibly heartless* and inhumane processes."

After his release from prison on February 5, 1924, he presided over the Belgaum Session of the Congress on December 26, 27, 1924. In his Presidential address he presented to the nation his "Swaraj Scheme" which later formed the basis of his well-known "Constructive Programme". In order to give concrete shape to his Programme and to prepare true workers to fight for India's Independence Mahatma Gandhi laid the foundations of five National Organizations and divided his Constructive Programme into eighteen items. The two of them mentioned below are closely connected with *Swadeshi* and cottage industries.

(1) *Akhil Bharatiya Charkha Sangh* or All-India Spinners' Association.

With the help of this Association Gandhiji taught Indians to be self-reliant and self-sufficient as far as cloth requirements are concerned.

(2) *Akhil Bharatiya Gramodyoga Sangh* or All-India Village Industries Association.

By the establishment of this Association, Mahatma Gandhi gave work to thousands of artisans living in villages and saved various Indian cottage industries from an untimely death. Through this Association he tried to bring the villages nearer to the cities, and draw the attention of the Urban population towards their rural brethren living in lakhs of Indian villages. Writing about cottage industries he said :

"Village economy cannot be complete without essential village industries, such as hand-grinding, hand-pounding, soap-making, paper-making, match-making, tanning, oil-pressing etc. Given the demand, there is no doubt that most of our wants can be supplied from our villages. When we become village-minded, we shall not want imitations of the West, or machine-made products, but we shall develop a true national taste in keeping with the vision of a New India, in which poverty, starvation and idleness will be unknown."

The Swarajya Party in its Election Manifesto, 1924-26 emphasized the importance of the industrial development of the country. It declared : "India with its 315 millions provides within its own borders an immense market for the products of various manufacturing industries. There is no reason why such industries should not rapidly develop if a well-thought industrial policy is steadily followed." The Karachi Congress held in 1931, under item No. 15 of its "Fundamental Rights and Economic Programme" provided for full "protection of indigenous cloth by exclusion of foreign cloth and foreign yarn from the country".

At the 49th session held in Lucknow in 1936, the Congress in its "Agrarian Programme" pleaded for organizing cottage industries in order to relieve rural unemylopment. In its "Election Manifesto" of December 1945, the Congress emphasized on the industrial co-operatives in order to develop small-scale industries on a democratic basis. Again the "village and cottage industries" found an important place in the "Objectives and Economic Programme" adopted by the A.I.C.C. held on 15th and 16th November, 1947 at Delhi.

The Congress resolved : "The aim of economic planning with reference to small-scale and cottage industries shall be full employment of human, animal and natural resources with maximum productive efficiency in order to reach the national minimum standard of living, which should ensure a balanced diet, sufficient clothing, and living accommodation to every family." It further resolved ; The small-scale and cottage industries should be prompted on non-profit lines through industrial co-operative societies that undertake to supply raw materials, guide production, and sell the goods of the members, and if possible, provide them with a common workshop where they can produce jointly. The responsibility of organizing these industries on co-operative lines or otherwise, must be undertaken by the State working through non-official promotional bodies, free from official control and interference, though the Government may be represented on them." Under the same programme it was suggested that the Industries producing articles of food and clothing and other consumer goods should constitute the decentralized sector

of Indian economy and should, as far as possible, be developed and run on a co-operative basis. Such industries should for the most part be run on cottage or small-scale basis.

After India became an Independent nation, in the 55th session, held at Jaipur in December, 1948, the Congress appraised the work rendered by All-India Spinners' Association and All-India Village Industries Associations and suggested that their services should be enlisted to organize an intensive campaign throughout the country for production of Khadi and other commodities.

The "Economic Planning Conference" which met at New Delhi in April 1950, on the invitation of the Congress President Dr. Pattabhi Sitaramayya, advocated for the encouragement of "Cottage and small-scale industries". It further resolved : "The programme of planned development of village and small-scale industries can, while increasing avenues of employment and ensuring more equitable distribution, make a significant contribution to the volume of production in the country."

The Nasik Congress held in September 1950 also suggested "Full and efficient utilization of installed capacity in industries".

In the 57th session held at New Delhi in October, 1951, the Congress resolved that high priority should be given for building up of "basic industries". The Hyderabad Congress held in January, 1953 also laid emphasis "on the expansion and strengthening of village and small-scale industries, and building of the community on co-operative lines". The Kalyani Congress held in 1954 felt the need for the organization of industry and commerce on a co-operative basis. While reviewing the "Economic Situation" in the country the Congress at its Gauhati Session declared that "While the various basic major industrial projects in the Plan have to be proceeded with, as future development depends upon them, special attention has to be given to small-scale and village industries." At the 64th Session held in January 1959 at Nagpur, the Congress while taking decision on a vital issue of "Agrarian Organisational Pattern" held in 1954 did not lose sight of this important issue. It resolved that "Particular attention should be paid to the industrial sectors, more specially in regard to the basic key industries, as well as the small-scale and village industries.

The All-India Congress Committee in the meeting held in July at Ajmer while defining the basic objectives of the Congress economic policy emphasized the rapid growth of industry in the country in order to increase the wealth of the people and give full employment to them.

In the Amritsar session held in February 1956, the Congress laid emphasis on "encouraging cottage industries", in order to achieve the goal of establishing the "Socialist Pattern of Society" in India.

The above analysis of the evolution of Congress policy with regard to Commerce and Industry would show that it always had an earnest desire to ameliorate the lot of the lower strata of the Indian society, particularly the poor Indian peasant and not the higher or well-to-do people.

Text : (*a*) That this Congress respectfully enters its emphatic protest against the injustice and impolicy of imposing excise duty on Cottons manufactured in British India, as such excise is calculated to cripple seriously the infant Mill Industry of this country.

(*b*) That this Congress puts on record its firm conviction that in proposing this excise the interests of India have been sacrificed to those of Lancashire, and it strongly deprecates any such surrender of Indian interests by the Secretary of State.

(*c*) That in case the Excise Bill becomes law this Congress earnestly prays that the Government of India will without delay seek the sanction of the Secretary of State to exercise the powers which the Bill confers on Government to exempt all Cottons from "twenties" to "twenty-fours" from the operation of the Act.

(*d*) That the President be authorized to telegraph the above Resolution to the Government of India and to the Secretary of State".

10 : 1894 : Madras : I

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"That this Congress is of opinion that the objection taken by Lancashire manufacturers to the exemption of Indian yarns below 20s from excise duty is not well-founded, and trusts that the Government of India will stand firm in its policy of levying import duties for revenue purposes, as such levy does not conflict in any way with principles of free trade".

11 : 1895 : Poona : XXI.

"That this Congress notices with satisfaction the rapid progress of the mining industry of India and in consideration of the fact that the mineral resources of this country are vast and the facilities for acquiring a thorough knowledge of mining engineering in this country are almost nothing and in view of the fact that the tendency of recent legislation on mining, namely Act VII of 1901, is that all Indian

mines must be kept under the supervision of mining experts, this Congress is of opinion that a Government College of mining engineering be established in some suitable place in India after the model of the Royal School of Mines of England and the Mining College of Japan and the Continent".

17 : 1901 : Calcutta : XVIII.

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"That having regard to the fact that while the cloth manufactured by means of power looms in this country in no way competes with the piecegoods imported from Lancashire, the imposition of the Excise duty of 3½ per cent thereon, apart from its tendency to arrest the free growth of the weaving industry, continues to operate as a great injustice to the manufacturers, and imposes serious hardship on the masses of the people who consume the coarser indigenous products. This Congress earnestly prays that the Government will be pleased to take the matter into its favourable consideration and repeal the duty at an early date."

18 : 1902 : Ahmedabad : XVI.

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"Resolved that this Congress accords its most cordial support to the Swadeshi movement and calls upon the people of the country to labour for its success, by making earnest and sustained efforts to promote the growth of indigenous industries and to stimulate the production of indigenous industries and articles by giving them preference over imported commodities even at some sacrifice".

12 : 1906 : Bhawanipur : VIII.

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"This Congress accords its most cordial support to the Swadeshi movement and calls upon the people of the country to labour for its success by making earnest and sustained efforts to promote the growth of industries capable of development in the country and respond to the efforts of Indian producers by giving preference, wherever practicable, to Indian products over imported commodities, even at a sacrifice".

23 : 1908 : Madras : VI.

"This Congress accords its most cordial support to the Swadeshi movement and calls upon the people of the country to labour for its success by making earnest and sustained efforts to promote the growth of industries, capable of development in the country, and respond to the efforts of Indian producers by giving preference, wherever practicable to Indian products over imported commodities, even at a sacrifice".

25 : 1910 : Allahabad : VI.

"That this Congress accords its most cordial support to the Swadeshi Movement and calls upon the people of India to labour for its success by making earnest and sustained efforts to promote the growth of indigenous industries by giving preference, whenever practicable, to Indian products over imported commodities, even at a sacrifice".

26 : 1911 : Calcutta : VI.

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"This Congress accords its most cordial support to the Swadeshi movement and calls upon the people of India to labour for its success by making earnest and sustained efforts to promote the growth of indigenous industries by giving preference, wherever practicable, to Indian products, over imported commodities, even at a sacrifice.

27 : 1912 : Bankipur : IV.

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"That this Congress accords its most cordial support to the Swadeshi Movement and calls upon the people of India, to labour for its success, by making earnest and sustained efforts to promote the growth of indigenous industries, by giving preference, wherever practicable, to Indian products over imported commodities, even at a sacrifice".

28 : 1913 : Karachi : XIII.

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"That in view of the present exceptional circumstances and in order to promote the material prosperity of the Country, this Congress urges that immediate measures be taken by Government to organise and develop Indian Industries".

29 : 1914 : Madras : IX.

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"This Congress accords its most cordial support to the Swadeshi movement, and calls upon the people of India, to labour for its success, by making earnest and sustained efforts to promote the growth of indigenous Industries, by giving preference, wherever practicable, to Indian products over imported commodities, even at a sacrifice."

29 : 1914 : Madras : XV.

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"This Congress accords its most cordial support to the Swadeshi movement and calls upon the people of India to labour for its success by making earnest and sustained efforts to promote the growth of indigenous Industries by giving preference, wherever practicable, to Indian products over imported commodities even at a sacrifice."

30 : 1915 : Bombay : XVI.

"That the Congress is of opinion that in the best interests of the people of India it is necessary that complete fiscal freedom in special reference to import, export and excise duties should now be conceded to the Government of India."

30 : 1915 : Bombay : XVIII.

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"This Congress, while expressing its appreciation of the action taken by Government for the industrial development of the country, is of opinion that the measures adopted hitherto are inadequate to meet the requirements of the situation and expresses its conviction that for removing the industrial backwardness of India it is necessary

(*a*) that far greater provision that exists at present should be made for industrial and technical education by the establishment of a technological faculty at the principal Indian Universities, by establishing institutes of research and attaching fellowships thereto, by the development of existing technical institutions and the opening of new ones and the gradual introduction of elementary technical instruction in primary and secondary schools ;

(*b*) that fiscal autonomy should be granted to India in regard to the levying of duties both on imports and exports ;

(*c*) that Industrial Advisory Committees should be appointed for each province to co-operate with the Department of Industry in that province, one of whose functions should be to direct the pioneering of new industries ;

(*d*) that artificial and unjust barriers like excise duties on cotton goods and the differential rates for Railway consignment, which favour the foreign manufacturer at the expense of the indigenous manufacturer, should be removed."

30 : 1915 : Bombay : XXI.

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"That this Congress accords its most cordial support to the Swadeshi Movement and calls upon the people of India to labour for its success by making earnest and sustained efforts to promote the growth of indigenous Industries by giving preference wherever practicable, to Indian products over imported commodities even at a sacrifice".

31 : 1916 : Lucknow : XXI.

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(*e*) "That this Congress calls upon the people of India to labour for the success of the Swadeshi Movement by making ear-

nest and sustained efforts to promote the growth of indigenous industries and to give preference, even at a sacrifice, to Indian products over imported commodities."

32 : 1917 : Calcutta : X.

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"While generally welcoming the recommendations of the Industrial Commission and the policy that in future the Government must play an active part in promoting the industrial development of the country, the Congress hopes that in the practical application of this principle the object kept in view will be the encouragement of Indian capital and enterprise and the protection of this country against foreign exploitation with the sole aim of making India industrially and economically self-contained and self-dependent.

This Congress places on record its regret at the exclusion of the tariff question from the scope of the Commission's inquiries and reiterates its opinion that the industrial development of the country is impossible without fiscal autonomy being granted to her.

This Congress agrees with the Commission that industry should have separate representation in the Executive Council of the Government of India but it is of opinion that an Imperial Industrial Executive Board is not necessary.

This Congress welcomes the recommendation of the Commission that the Provincial Department of Industries should be constituted at an early date and urges the same on the Government of India.

This Congress urges that Imperial and Provincial Advisory Boards should be constituted for the purpose of promoting industrial development and that they should consist of Indians elected by Indian industrial and trades associations and by Chambers of Commerce.

This Congress is of opinion that the proposed Imperial Industrial and Chemical Services should be constituted on a scale of salary and with the object of having them manned fully by Indians but that Europeans who are experts in any line should be engaged on short term agreement till they can be replaced by duly qualified Indians.

This Congress is of opinion that the Government should invite the Universities to establish Commercial Colleges and should help them to do so by substantial grants.

This Congress regrets the absence in the report of the recommendations for adequate organisations for financing industries and urges upon the Government the urgent necessity of starting Industrial Banks on a scale commensurate with the vast and costly machinery recommended in the report.

This Congress conveys to the Hon'ble Pandit Madan Mohan Malavia the profound gratitude of the country for his able, closely-reasoned and comprehensive minute attached to the report which puts the case for Indian industrial development in an unanswerable form."

33 : 1918 : Delhi : XIV.

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"This Congress is of opinion that the promotion of Swadeshi movement to its utmost extent is essential for national progress and prosperity and as over 73 per cent. of the population of India is agricultural and poor, the Congress particularly recommends a revival of the ancient industry of hand-spinning and hand weaving."

34 : 1919—1920 : Amritsar : XVII.

"Doubts having arisen on the Congress policy in regard to *Swadeshi*, it has become necessary to reaffirm the Congress position on it in unequivocal terms.

Notwithstanding what was done during the civil resistance struggle, no competition is permissible on Congress platforms and in Congress Exhibitions between mill-made cloth and hand-spun and hand-woven khadi. Congressmen are expected to use and encourage the use of only hand-spun and hand-woven khadi to the exclusion of any other cloth.

In regard to articles other than cloth, the Working Committee adopts the following formula for the guidance of all Congress organisations* :

"The Working Committee is of opinion that the activities of Congress organisations relating to *Swadeshi* shall be restricted to useful articles manufactured in India through cottage and other small industries which are in need of popular education for their support and which will accept the guidance of the Congress organisations in regulating prices and in the matter of the wages and welfare of labour under their control.

This formula must not be interpreted to mean any modification of the unbroken policy of the Congress to promote the *Swadeshi* spirit in the country and to encourage the personal use of only *Swadeshi* articles. The formula is a recognition of the fact that the large and organised industries which can or do command state aid are in no need of the services of Congress organisations or any Congress effort in their behalf."

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*Resolution passed at the Working Committee meeting held at Banaras, on July 27, 28, 29 and 30, 1934. pp. 185-86.

VILLAGE AND COTTAGE INDUSTRIES*

"(1) The aim of economic planning with reference to small-scale and cottage industries shall be full employment of human, animal and natural resources with maximum productivity efficiency in order to reach the national minimum standard of living which should ensure a balanced diet, sufficient clothing and living accommodation to every family.

(2) The Government should undertake and encourage research for the purpose of developing these industries efficiently and for better utilisation of available natural resources. A permanent Board of Research should be set up for this purpose.

(3) Arrangements should be made for demonstration of and training in the application of better tools and processes. For this purpose the training should follow the lines of the post basic plan of the Wardha Education Scheme. The success of the programme of development will largely depend on the education of the worker both technical and co-operative.

(4) The small-scale and cottage industries should be promoted on non-profit lines through industrial co-operative societies that undertake to supply raw materials, guide the production and sell the goods of the members and if possible provide them with a common workshop where they can produce jointly. The responsibility of reorganising these industries on co-operative lines or otherwise must be undertaken by the State working through Non-official promotional bodies free from official control and interference though the Government may be represented on them. The structure that is built up should be a strong federal structure consisting of primary societies, their regional unions and associations and the apex federation. This should allow production by small units with the benefits of centralised organisation and should control and guide the production by the worker and should undertake the disposal of the goods so produced. The artisan and the worker should not be expected to take the responsibilities of procurement of raw materials and sales of goods. He should not be allowed to concentrate on production. The responsibility of purchases and sales, arrangement of tools, workshops guidance and supervision should fall on the industrial co-operative structure.

(5) No state aid should be given to an individual except through his co operative society.

(6) As far as possible the industries should be so organised that the movement of raw materials from one area to another is

*Resolution on Economic Policy and Programme 1924-1954. New Delhi A.I.C.C. 1954. pp. 26-30. Extracts from A.I.C.C. Resolution : "Objectives and Economic Programme, 1947.

minimised. In case of forests the Government should change its present revenue based policy and aim at producing materials needed by the people and serving the general purposes of the national economy such as increasing the rainfall, prevention of erosion and conservation of sub soil water. Priority should be given to supply such forest produce to these industries at standard rates and the industrial co-operatives should not be expected to compete with contractors in auction sales.

(7) The workers in these industries are not in a position to collect necessary funds. The co-operative banks and other local sources might be tapped if the Government could stand guarantee against margins. Direct loans and subsidies by Government will, however, be necessary in many industries in the initial stages, specially in the case of losing industries and new industries. These loans and subsidies of the Government should be made available through the co-operative structure.

(8) The major portion of the produce of these should be sold through the consumers societies and multi-purposes agriculturists societies with whom the industrial societies and their associations should maintain a close contact. Sales depots run by the industrial societies and their associations may also be encouraged specially in towns.

(9) The Government and public bodies should give preference to goods produced by small-scale and cottage industries for use by their departments. Patronage by large-scale industry of such goods should also be encouraged. There is a large possibility of these units working as feeders to large-scale industries. The industrial co-operative societies should, however, not be expected either by the Government public bodies or large industries to submit tenders and compete with the merchants through the existing store purchase channels. A system of placing order at standard rates with the industrial co-operative societies should be introduced.

(10) The organisation and marketing of the products of these industries should be so arranged as to reduce the strain on the transport system to a minimum. The transport policy of the Government will, however, have to be substantially altered so as to give high priority and concessional rates for the transport of raw materials and other accessories required by these industries and the articles produced by them.

(11) The raw materials and accessories required by cottage and village industries and their products may be exempted from payment of control duties, terminal taxes, sales tax and other such charges.

(12) The Government at its own cost should organise propaganda and advertisement through the press, the radio, the platform and by means of museums, exhibitions, demonstrations, posters, magic lantern shows etc.

(13) It will be necessary to create the right type of leadership to guide the development of these industries. A cadre of organisers, technicians, secretaries etc. devoted to the principles of co-operation will have to be established whose salaries should be in consonance with the prevailing standard of payment in other industries and their salaries and promotions should not be made to depend upon the pleasure of the elected office-bearers but should be on the lines of similar cadres in public bodies.

(14) In any scheme of formal or informal control over distribution of raw materials in short supply to industries such as steel, coal caustic soda and other chemicals adequte and definite provision should be made to meet the needs of village and cottage industries.

(15) The special interests of village and cottage industries should be borne in mind by the Tariff Board while framing its recommendations regarding industries referred to it.

INDUSTRY*

(1) Industries producing articles of food and clothing and other consumer goods should constitute the decentralised sector of Indian economy and should as far as possible be developed and run on a co-operative basis. Such industries should for the most part be run on cottage or small-scale basis. Larger units are inevitable in the case of heavy industries, *e.g.*, manufacture of machinery and other producer goods. The choice of size will be determined by the net balance of economic and social advantage preference being for smaller as against the larger units.

(2) The respective spheres of large-scale, small-scale and cottage industries should be demarcated as clearly as possible to avoid economic insecurity and destructive competition. Measures should be taken to co-ordinate the various types of industries and link them up in a supplementary and complementary relationship. Large-scale industry should make the fullest use of cottage industries for processes which can be handle l on handicraft basis without serious loss of efficiency. In the conditions prevalent in our country emphasis will be on providing opportunities for employment of our unutilised or partially utilised reservoir of labour and minimising the use of costly

*Extracts from A.I.C.C. Resolution : Objectives and Economic Programme, November, 1947.

capital goods. Large-scale industry should also be utilised to improve the economic basis and the co-operative efficiency of small-scale and cottage industries. Certain lines of manufacture should be reserved for cottage industries. In order to avoid competition between production so reserved for cottage industries and large-scale production the State may bring under its control such competing large-scale industry. Where a cottage industry is allowed to co-operate in the same field as large-scale mechanised industry its output should be protected from the competition of the latter by subsidies or some method of price equalisation. This applies specially to cotton textile industry. In this and similar cases further expansion of large-scale machine industry should be restricted except where this is considered necessary. In such cases it should be undertaken under State auspices.

(3) Regional self-sufficiency should be the aim with regard to all types of industries. Development on these lines should help to provide full and varied employment of man power and raw materials in each unit and to reduce the pressure on the transport system. Location of industry should be so planned as to make a district of average size having roughly a population of $1\frac{2}{3}$ lakh as nearly self-sufficient as possible in respect of consumer goods which supply the daily needs of the people. In this respect particular attention should be paid to essentials like food and cloth.

(4) The poisition regarding raw materials and other factors may entail the location or concentration of certain industries in a few areas. It would not be desirable to erect physical barriers in respect of movement of goods in the interests of regional development. Fiscal and other measures may, however, be adopted to foster suitable industries in different regions. Such measures will be particularly appropriate for the industrial development of backward areas to ensure their social, economic and educational progress.

(5) Control of investment and licensing of new undertakings should be resorted to for the purpose of effective co-ordination and harmonious development of different types of industry.

(6) New undertakings in defence, key and public utility industries should be started under public ownership. New undertakings which are in the nature of monopolies or in view of their scale of operations serve the country as a whole or cover more than one Province should be run on the basis of public ownership. This is subject to the limit of the states resources and capacity at the time and the need of the nation to enlarge production and speed up development.

(7) In respect of existing undertakings the process to transfer from private to public ownership should commence after a period of five years. In special cases a competent body may after proper examination decide on an earlier transfer. The first five years should be treated a period for preparation during which arrangements should be made to take over and run these undertakings efficiently.

(8) The progress of transition of public ownership should be controlled so as to avoid the dislocation of the economic life in the country, fall in production, uneconomic acquisition of inflated assets and the diversion of valuable resources from more urgent to less urgent uses.

(9) Acquisition should take place when the excessive margins of profits which prevail in the existing abnormal conditions have declined to a reasonable level in consequence of the fall in price or under pressure of appropriate legislation or administrative measures.

(10) To secure efficient development and conduct of public owned industries suitable administrative agencies should be set up. Particular attention should be given to the following matters (*i*) creation of an Economic Civil Service which will furnish industry with executive of different grades ; (*ii*) training of the requisite industrial cadre ; (*iii*) technical training and general education of the workers ; (*iv*) organisation of research and information ; (*v*) control of investment and of strategic resources ; (*vi*) intensive and detailed economic surveys.

(11) State departmental control should be confined to questions of policy. The system of Statutory corporations for the management of Industry, Trade and Transport should be developed with necessary adaptations to suit Indian conditions.

(12) In private industry the existing system of managing agency should be abolished as early as possible. Private industry should be subject to all such regulations and controls as are needed for the realisation of the objective of national policy in the matter of industrial development.

(13) Employed capital *i.e.*, capital plus reserves should be adopted as the basis for the computation of the return on capital. Steps should be taken to prevent excessive distribution of the profits earned by an industry or establishment or undertaking. Distributed profits of five per cent divided in terms of employed capital will be the maximum limit for distribution of profits. The profits to be transferred to the reserve funds should be limited to such sums as in the opinion of a competent authority may be effectively

utilised for productive purposes by the industry or industries concerned. Out of the profits earned in any year the surplus after setting apart 3% on employed capital as dividend and another portion to be earmarked by the Government for schemes of social welfare and industrial improvement should be shared between the workers and the shareholders in proportion to be fixed by the Government. The employees share will not exceed in any year a third of the basic wage or the national minimum whichever is high.

(14) All resources available for investment should be subject to the control and direction of the State. The State should set up Finance Corporations for financing industries. Banking and Insurances should be nationalised.

INDUSTRIAL RELATIONS

Stable and friendly relations should be established between labour and capital through increasing association of labour with management in industry and through profit sharing. The establishment of Works Committees in such undertaking to settle differences in the day-to-day administration and of Regional Labour Boards in each industry to determine wages and conditions of labour should be on the basis of adequate representation being given to elected representatives of labour. In the interest of uninterrupted production all disputes between employers and workers should be settled through the machinery of conciliation, arbitration and adjudication. The workers should be guaranteed a minimum wage, proper housing and protection against the economic consequence of old age, sickness and unemployment.

CO-OPERATION

(1) Promotion of co-operative distribution is necessary to secure a balanced progressive economy in which regulated distribution will form an integral part of a comprehensive economic plan for the country. If wages are to be controlled and consequently the prices of agricultural products and manufactured articles, the distribution of consumer goods should be controlled by the encouragement of co-operative effort.

(2) A multi-purpose co-operative society with branches for agricultural producers, consumers and small industries should be set up to develop an integrated economy for the village.

By bringing together producers and consumers organisations the co-operative method can avoid to a large extent the use of money. It also minimises transport.

(3) The usual line of action should be to promote, encourage and where necessary assist co-operative consumers societies to con-

trol a large and growing volume of the retail trade in the necessities of life of the humbler section of the population. Organisations may be for a locality or for groups of wage earners and where possible for salary earners engaged in separate establishment owned by private concerns or the State itself.

(4) The State should grant special facilities for transport storage etc. and make commercial intelligence freely available to co-operative societies.

(5) Where producers co-operatives are found the State should use its good offices to see to it that they deal direct with consumers co-operatives.

CONCLUSIONS

(1) To implement the programme outlined above a permanent Central Planning Commission should be appointed to advise and assist the Congress Governments in the practical steps that should be taken.

(2) Such Planning Commission will also review the present tax structure and amend it to fit into the economic policy indicated above making it possible for the government to implement this programme through its scheme of taxation.

(3) The complexion of the country's foreign trade should be carefully scrutinised to enable the country to build up its economic structure on a sound basis so as to make it possible for the nation to provide its primary needs and buttress its independent position.

(4) In the development of the country the place of foreign capital should be carefully examined so as to ensure that the economic controls remain with the nationals of the country.

"The programme of planned development of village and small scale industries can while increasing avenues of employment and ensuring more equitable distribution make a significant contribution to the volume of production in the country. In the background of our limited resources in money and capital and the vast man power the decentralised co-operative economy has the double virtue of increasing production as well as employment speedily without consuming much capital. The policy of restricted import closure of certain mills, growing unemployment and the recent flow of refugees from East Pakistan have further enhanced the urgency for and underlined the importance of the organisation of such industries in a planned manner.

Resolution on Economic Policy and Programme 1924-54 New Delhi A.I.C.C 1954. p.57-59.

The cottage and small-scale industries by and large present a spectacle of low technical efficiency, methods of work and organisation, extreme exploitation by *sowkars*, money-lenders and unsatisfactory conditions of life and labour. To remove these deficiencies there should be a rapid survey of the regional resources suitable for the development of these industries and the requirements at home and abroad which can be met by their products. Such a survey can be carried out by a co-ordinated effort of the State Governments in liaison with the National Planning Commission.

Every State Government must have a target in its plan for the organisation of industrial co-operatives which should receive essential materials on a priority basis from the Governments and look after the supply of other raw materials and marketing of the products of the village and small-scale industries.

Emphasis should be laid on research in design and pattern and improvement of implements. Facilities should be provided for training of artisans for different industries in improved methods. While cottage industries in general should be developed on the basis of regional potentialities provision should be made for inter-regional training centres so that the peculiar efficiency of the artisans of a particular region may be transmitted to the artisans of other regions.

In a properly co-ordinated plan large-scale and small-scale cottage industries can be supplementary and complementary to each other. A small cess on the large-scale industry may be levied to be utilised for subsidy to cottage and small-scale industry in order to reduce the disparity in the costs of production between them.

Modern technique of salesmanship should be applied to the cottage industries. Such methods of producing should be adopted as it will ensure a steady flow of standardised mass produced utilities having an artistic appeal so as to add to our exports especially to hard currency areas.

The handloom industry which is by far the most important cottage industry in the country suffers from a number of handicaps. These should be removed if it is to grow and prosper and hold its own against competing mill production. The following steps may be taken : (1) To reduce the charges borne by the handloom weavers but not so either by a composite or a weaving mill. (2) To organise a syndicate of handloom weavers co-operative for purpose of dyestuff and chemicals ; (3) To make necessary adjustments in the specification of the textile requirements of the governments to

suit the capability of the handloom industry; (4) to reserve certain varieties of cloth and requisite number of counts in order to protect this industry from mill competition and to regulate the setting up of additional looms by mills with due regard to the interests of the handloom industry; (5) To ensure adequate supply of yarn required to the handloom industry.

Every State Government has a programme of promoting the Khadi industry. Suitable subsidies and other form of state assistance should be devised to protect and promote Khadi industry. The following steps should be taken : (*a*) Governments should purchase as far as practicable Khadi for their cloth requirements; (*b*) Certification of Khadi should be the responsibility of A.I.S.A. and allied bodies. Uncertified Khadi should be allowed to be sold in the name of Khadi.

Industries like *ghani* industry for edible and non-edible oil, palm gur making, hand pounding of rice, puddy husking, dairy farming, paper making, button making, poultry farming, ceramic, silk spinning and weaving, leather making and tanning and industries connected with horticulture and dead animals should be encouraged. Measures should be devised to protect *ghee* from adulteration and put a stop to further expansion of the *banaspati* industry.

A PROGRAMME OF RURAL DEVELOPMENT*

The fulfilment of any scheme of economic development depends in a large measure on the standard of education and civic consciousness, health and efficiency of the people and a feeling of general contentment and goodwill. In this sphere of nation-building activities where there is so much to be done the primary consideration should be to fix priorities. Instead of frittering away our energies on a diversified programme an attempt should be made to tackle the problem at the root and to have a practical programme yielding quick results and maximum satisfaction.

Under Gandhiji's leadership the Congress accepted the policy of developing a system of Basic Education which centres round a major craft so that in every student a sense of dignity of labour is generated and he grows into a productive member of society. While the comprehensive reorganisation of education is bound to take time we feel that even during the transitional period, whatever may be the nature of training every student today must not only develop the body and the brain but also acquire those qualities which

*Resolutions on Economic Policy and Programme, 1924-54, New Delhi, A.I.C.C. 1954, pp. 59-61.

would equip him for earning his livelihood by means of productive labour.

As the organisation and development of a decentralised co-operative economy will largely rest on the initiative spirit of self-help and leadership on the part of the common man, a practical programme of adult education has a special significance and should receive high priority.

Under any scheme of fixation of priorities in the sphere of public health, where we are confronted with a large number of problems, attention should be concentrated on eradicating malaria which impairs the vitality and efficiency of our rural and agrarian population. High priority should be given to supply of pure drinking water in the villages. And above all, there should be a well conceived programme of education of the people in healthy ways of life.

There should also be a programme of building village roads, trench latrines, small water channels and clearing of jungles on a co-operative basis. This sector of our programme offers a unique opportunity for harnessing our abundant man power. To build a happy life and society the labour potential should be mobilised. The village panchayat and other local self-governing bodies should prepare a budget of the labour power and implements of the locality which can be enlisted for this purpose and the Government should be prepared to offer assistance in money and materials in such proportion to the contribution of the people as may be decided upon by State Government.

In this programme of rural development, specially in the Grow More Food Campaign and improvement of the technical efficiency of small-scale industries by imparting technical knowledge on a wide scale to the people and in the building of roads, bridges and canals the military personnel, when not employed on active operations, may take an important and worthy role. Such participation will create a sense of urgency among the people and train them in disciplined action and bring them in closer contact with our military personnel and establish complete cordiality between the people and the army in a democracy.

PLANNED INVESTMENT OF CAPITAL*

To finance the planned development of the country it is the paramount duty of every citizen of the State who can possibly do so to lay by a portion of his or her income. In recent times while the claims on our capital resources have been numerous the rate of

* Resolutions on Economic Policy and Programme, 1954, New Delhi, A.I.C.C. 1954, pp. 61-63.

capital formation has considerably declined. As a result of the war time shift in our economy purchasing power has passed in some degree to sectors which have neither the habit of nor the facility for investment. Steps have already been taken to introduce compulsory saving among some income groups and to intensify the campaign for small savings but as the quantum of investible surplus has not been commensurate with the demands of planned economy some further steps should be taken in this direction.

The most important of these is the linking of local projects to local investible surplus. Maximum of facilities should be given to multi-purpose co-operatives which are to be started in a planned manner on a nation-wide scale to canalise the surplus of the country-side. In order to make the co-operative organisation a fit instrument for this purpose it is imperative to reorganise the co-operative movement and to introduce a definite policy of subsidy by the State. There should also be a programme under which the rapid growth of industry in the country is essential in order to increase the wealth of the people and give full employment to them. The First Five Year Plan laid particular stress on agriculture and food production and has achieved considerable success in those objectives. While agriculture must continue to be important and demands full attention the growth of industry must henceforth be emphasised for a major place in the Second Five year Plan.

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" The basic objectives of our economic policy should be :—

1. Maximum Production ;
2. Full Employment ;
3. Social and Economic Justice.

The country already has a powerful State-owned public sector in industry. This should be enlarged by the addition of other basic and new industries wherever possible. Where social ownership of basic industry is not possible in the near future effective social control should be exercised. The resources of the country should be utilised in building new State industries and not in nationalising existing private industries except where this is considered necessary in the national interest.

In the conditions at present prevailing in the country the private sector is both important and necessary in the industrial development of India. Such private sector should be given adequate freedom to develop within the limits of the National Plan and subject to the conditions laid down by it. It should function as a

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* Resolutions on Economic Policy and Programme, 1925-54, New Delhi, A.I.C.C. 1954, pp. 90-92.

part of the National Plan keeping before it the national good and not merely the individual or group interest. Wherever necessary the pattern of management should be changed so as to fit it with the objectives of the Plan and to remove the evils which have existed in the past.

While attaching importance to the growth of big-scale industry the Committee is strongly of opinion that small-scale village and cottage industries are and will continue to be an essential part of the economy of India and must be encouraged in every way. Such industries are likely to help in providing employment even more than the big industries. Improved techniques should be introduced in them and wherever possible electric power used. But in any change-over due to new techniques the question of adding to unemployment must be borne in mind.

Wherever possible the spheres of production between large-scale, small-scale and cottage industries should be demarcated.

Widespread provision should be made for cheap electric power. Where power is being generated by the river valley projects or otherwise, special attention should be paid to taking this to the village for utilisation in agriculture and small-scale industries.

Financial assistance in the form of cheap credit should be provided for the organisation of Industrial Co-operatives and co-operative marketing for products of small-scale and village industries should also be organised.

Research and training in improved techniques and methods of production should be organised.

The Committee has noted that certain enquiries have been instituted in regard to cottage and small-scale industries and valuable reports have been received. Some further reports are likely to be presented to the Government soon. The Committee hopes that early attention will be paid to the recommendations made in these reports with a view to organising cottage and small-scale industries on a widespread and progressive basis.

An organised effort should be made and scheme prepared to tap the financial resources in the rural areas. In particular it is desirable to start State insurance through the Post Offices, ecpecially in the villages.

EXPORT AND IMPORT

Our exports and imports should be so planned that even at some sacrifice to the people of country, industrial raw materials, capital goods, other essentials and the service of foreign loans for the development of our agriculture, basic and large-scale industries may be financed. A review of the present policy is called for with a view to restricting import of consumer goods to an austerity level. It is

also necessary to devise ways and means to promote exports even at the cost of some privation to the people so that the gap in our balance of payments may be bridged.

CONTROL OF SPECULATION

While the stock and commodity exchanges have a place in the present economy the wagering element in transactions in various forward markets which often lead to violent price fluctuations has to be kept under rigid control. Legislation on an all-India basis may be enacted forthwith to provide for the necessary degree of control to be enforced over various forward markets.

Growers of cotton and other agricultural commodities should be organised on a co-operative basis and be provided with suitable credit facilities so as to place an indirect check on undue speculation in commodities.

CONTROLS*

Controls are a legacy of the war and were in operation when the National Government came into power. On account of the inevitable strains imposed by controls the question whether they should continue or not has attracted considerable attention and roused acute controversy and widespread feeling. Some two years ago the Government decided to lift controls on food and cloth but their expectations were not realised and controls had to be reimposed. In view of the developments that have since taken place such as devaluation as well as the lack of social consciousness against anti-social elements and the inability of governmental machinery to enforce the controls effectively and strictly a review of the entire position is called for. It is necessary to examine this question dispassionately in its true setting and correct perspective so that controls which are considered to be unnecessary may be lifted at the earliest suitable opportunity consistently with the interest of the community and the demands of a planned economy. In regard to certain articles at any rate there would appear to be a *prima facie* case for removing controls (*e.g.* salt, paper, coal and cement).

"PLANNING"

"Eight years ago, India embarked on a planned development of her resources with a view to increasing the pace of economic development, raising the standards of living of the people, progressively reducing social inequalities, and establishing a socialist pattern of society. The First Five-Year Plan was based chiefly on the

*Resolutions on Economic Policy and Programme, 1924-54, New Delhi, A.I.C.C. 1954, p. 66.

continuation of some major projects such as river valley schemes, development of agriculture, rehabilitation of transport, and certain other priorities. The data and information necessary for proper planning were not available then, and the Plan was modest in scope. Though it achieved success, it did not bring about a rate of growth of the size that the country needed.

2. More information and statistical data were available for the Second Five-Year Plan. This was on a larger scale than the First and, in fact, visualised a doubling of investment. It sought to lay emphasis on industrialisation, especially steel, coal, power and transport, and therefore, required foreign exchange resources of a much larger volume than the First Plan. Unfortunately a succession of bad agricultural seasons, due to floods as well as drought, reduced the output of foodgrains and other agricultural produce considerably. Certain international factors also affected exports. Difficulties arose in regard to meeting its foreign exchange requirements as well as obtaining the required volume of domestic finance. Savings fell short of plan targets, our Sterling Balances suffered serious depletion, and domestic prices recorded an increase. We have had to rely on foreign aid to a much greater extent than was originally contemplated. Even though the Second Five-Year Plan was larger in comparison to the First and succeeded in stepping up the rate of investment, this was inadequate to the needs of the situation. The back-log of unemployment would, therefore, tend to increase at the end of the Second Plan period.

3. In the light of the country's requirements, the Second Five-Year Plan was certainly not over-ambitious in size or in pattern of investment, nor should it be beyond the capacity of the country to achieve it if an adequate effort is made to that end. It has become vitally necessary to fulfil the targets laid down in the Second Plan both in agriculture and industry. A rapid increase in agricultural production is essential in order to put an end to the necessity for importing foodgrains and to increase the resources of the country for industrial growth.

4. Fortunately the current agricultural season gives promise of a good harvest. Full advantage must be taken of this so as to ensure food supplies in the future. Every effort should be made to build up reserve stocks of two million tons of rice during the season and to promote intensive agriculture ensuring increasing yields per acre. While the agriculturist must be ensured a reasonable return for his labour, prices of foodgrains should not be allowed to rise.

5. It is essential from the point of view of planning that the prices of certain essential commodities, such as foodgrains, cloth and some others, should be kept within reasonable bounds.

6. The remaining years of the Second Five-Year Plan should be utilised for intensive campaigns to mobilise domestic savings and to fulfil the targets of the Plan in agriculture and industry. It is in the measure that we succeed in the Second Plan that sound foundations will be laid for the Third Five-Year Plan. The experience of the First and Second Plans has shown that the present rate of investment is too small in relation to the needs of the country and is not adequate to ensure the solution of the problem of unemployment. Even this relatively low rate of investment has had to be financed to a considerable extent from foreign loans and assistance. Such foreign loans are not unusual in developing an under-developed country and should be welcomed in order to alleviate the stresses and strains inevitably associated with the early phase of economic development. But foreign credits must not be tied up with any political or economic conditions which come in the way of the country following its independent policies.

7. It has to be remembered, however, that the main burden of carrying out a programme of economic development must fall on the people of the country and, therefore, it is to the extent that domestic resources are increased that adequate progress can be made.

8. An important factor to be constantly kept in mind is the rate of growth of population. Planning must take into account this population growth. Efforts should be made to reduce this rate of increase in population by suitable methods of birth control and family planning. But, in any event this increase is going to be considerable because of the success that is being attained in improving health conditions and lowering mortality rates. The experience of industrialised countries indicates that the birth rate begins to decline after a certain stage of industrialisation. A lasting solution of the problem of population is to be found in raising standards of living, education, particularly of women, and changes in attitudes and outlook.

9. The main characteristic of an under-developed country is low productivity and its basic problem is unemployment and under-employment, and the low income content of employment. The task of finding more and fuller fruitful employment depends to a great extent on the ability to achieve a sufficiently high rate of capital formation or investment. This is the main determinant of the rate of economic development, apart from the population growth and the

return by way of additional output on the investment undertaken. It must always be remembered that progress depends essentially on the quality of the human being and on skills, training, hard work and efficiency.

10. Thus it becomes essential to step up the rate of investment in future in order to cope with the problem of unemployment and to ensure a progressive rise in per capita income of the order envisaged in the projections discussed in the Second Five-Year Plan. A very great part of this total investment must necessarily be financed from domestic savings, as too much dependence on foreign assistance is neither possible nor desirable. It is only when a sufficiently high rate of capital formation is kept up and the national income rises with some rapidity that the process of economic development becomes self-accelerating. Further, progress should bring benefits to the mass of the people, so that a spirit of co-operation and of enthusiasm and initiative be developed in them.

11. In order to achieve the minimum requirements for a progressive and dynamic growth of India's economy, considerable efforts are necessary to add to resources and, at the same time, to reduce public as well as private expenditure. The marked increase in recent taxation has been absorbed by increase in expenditure. Measures for mobilisation of resources and for economy should include the following :—

(*i*) Public enterprises and State trading should be conducted so as to yield additional resources for public purposes.

(*ii*) Imports should be strictly controlled and non-essential goods should not be imported. Import Duties should be raised whenever possible. Imports and exports should be co-ordinated to prevent accumulation of commitments which lead to undue pressure on foreign exchange.

(*iii*) Expansion of life insurance and other institutions engaged in stimulating and collecting savings.

(*iv*) Patterns of production should be so adjusted as to supply essential needs of the people.

(*v*) Wages and salaries should be increasingly dependent on work done and on production and should be related to the conditions existing in India. Profits in the private sector should also be controlled.

(*vi*) The construction of large or expensive buildings, whether for public or private purposes, should be discouraged except for such public structures as are considered absolutely essential for the Plan. Equipment for these buildings should

also avoid items of luxury. The specifications laid down for public buildings should be simpler.

(*vii*) While steps should be taken to see that prices do not rise any further, it is necessary that agricultural incomes do not fall with an increase in output. It is essential for providing incentives for increased production in the agricultural sector that increased output also leads to increased income.

12. Steps should be taken to utilise the vast manpower resources in the country, especially in the rural areas, for direct capital formation. This is important both for building up lasting assets as well as for giving employment. Village and cottage industries, soil conservation and reclamation, digging of irrigation channels, tanks, and wells, bunding, afforestation, housing and road construction offer fruitful opportunities for the utilisation of unused manpower.

13. Planning is a continuous process, even though it might be divided into five years or some other convenient periods. It has to be dynamic and progressive, and there can be no standing still or slowing down in this process, as otherwise difficulties and problems will increase. Therefore, it is essential that both in the agricultural and industrial sectors, targets of the Second Five Year Plan should be achieved and the Third Five Year Plan should be so conceived as to lead to more rapid growth.

14. The creation of a democratic and socialist society should be clearly and unambiguously placed before the nation as the objective of planning, and all the implications of socialism, in terms of individual and co-operative effort it requires, should be clearly explained to the people. The stress should be not only on individual and social demands and needs, but equally on duties and obligations and the work that is necessary for meeting these needs.

64 : 1959 : Nagpur : 3.

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COMMUNAL AWARD

See

COMMUNALISM

CHAPTER VI

COMMUNALISM

Note. In India there live Hindus, Muslims, Sikhs, Christians, Jews, Buddhists and Parsees. The Congress being the only widely representative body of the Indians, from its very inception, had to take into consideration their needs and special interests. It had to base its policies on communal harmony mainly for (*a*) bringing about an understanding and rapproachment among different communities, to drive away the British Government and (*b*) for facilitating a joint national struggle for freedom and drafting a constitution for Independent India suitable to all communities concerned. These noble efforts were constantly made by the Congress as is evident from its resolutions. Hence a brief chronological study of the Resolutions depicts the history of the efforts made by the Congress for communal harmony and unity. It also illustrates the well-known "Divide and Rule" Policy of the British Government.

The first voice the Congress raised against the Separate Electorates was in 25th Session of the Congress held in 1910 in Allahabad in which it "strongly deprecated the expansion principle of Separate Communal Electorates to Municipalities, District Boards, or other Local Bodies." In 1913, in the Karachi Session of the Congress, while appreciating the move of the All-India Muslim League regarding "the ideal of Self-Government for India within the British Empire" the Congress most heartily welcomed "the hope expressed by the League that the Leaders of the different communities will make every endeavour to find a *modus operandi* for joint and concerted action on all questions of national good....."

The issue of "Cow-Slaughter" has always been a reason of communal riots in India during the last sixty years or so. The Congress in its Amritsar, Nagpur and Calcutta Sessions held in 1919, 1920 and 1927 respectively, passed resolutions thanking the Muslim League and Muslim associations for passing resolutions against "Cow-Slaughter". After independence the Congress through legislation has stopped this practice in a few States.

In 1920 in its Nagpur Session the Congress assured "the Sikhs that their interests will receive the same protection in any scheme of Swaraj for India as is provided for Mohammedans and other minorities in provinces other than the Punjab." To solve the communal issue

further the Congress in its Delhi Special Session in 1923 passed four resolutions appointing two Committees consisting of eminent leaders from all communities to prepare a draft of the National Pact and to make enquiries into the incidents connected with "Shuddhi" and "Anti-Shuddhi" movements. In the same Session the Congress appealed to the newspapers all over the country not to print any news detrimental to communal harmony. In the Cocanada Session held in 1923, the Congress considered the draft of "The Indian National Pact" and resolved to invite opinions and criticisms from all the communities. Since the British Government did not like unity move of the Congress, it tried to sabotage the Pact by initiating communal riots in Kohat, Gulbarga and other places. In the Belgaum Session presided over by Mahatma Gandhi in 1924, the Congress deplored the Hindu-Muslim tension and the communal riots.

At the 43rd Session held in Madras in 1927, the Congress took important decisions to solve communal problem (*a*) It resolved "that in any future scheme of constitution, so far as representation in the various legislatures is concerned, joint electorates in all the provinces and in the Central Legislature be constituted." (*b*) The Congress called upon "both the Hindus and Mussalmans not to have recourse to violence or to law to prevent the slaughter of a cow or the playing of music before a mosque." It further resolved "that every individual or group is at liberty to convert or reconvert another by argument or persuasion but no individual or group shall attempt to do so, by force, fraud or other unfair means such as the offering of material inducement."

When the Sikhs in particular and the Muslims and other minorities in general, had expressed dissatisfaction over the solution of communal questions proposed in the Nagpur Report, the Congress in its Lahore Session held in 1929, assured "The Sikhs, the Muslims and other minorities, that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned."

In its 46th Session held in Karachi in 1931, the Congress appointed a Committee of eminent Indians from all the parties to discover the causes of tension among the Hindus and the Muslims and to take such measures as may be necessary to heal the breach and to prevent the poison from spreading to the adjoining areas and districts. It also deplored the communal riots that took place in Kanpur, Agra, Mirzapur and Banaras and declared that these riots were highly injurious to the movement for India's freedom. To

clarify further the "Nehru Report" the Working Committee issued a statement in Bombay in July 1931.

Contrary to the Congress efforts, the British Government was trying to solve the Indian constitutional problem in its own imperialistic way and it published the Communal Award as a solution for the Communal problem of India. Against this "Communal Award", Mahatma Gandhi began his "fast unto death" on October 25, 1932, which resulted in the Poona Pact of October 26, 1932. The Congress Working Committee in its meeting held on June 12-13, 1934 declared : "The White Paper in no way expresses the will of the people of India, has been more or less condemned by almost all the Indian political parties and falls for short of the Congress goal if it does not retard the progress towards it. The only satisfactory alternative to the White Paper is a Constitution drawn up by a Constituent Assembly elected on the basis of adult suffrage or as near it as possible, with the power, if necessary, to the important minorities to have their representatives elected exclusively by the electors belonging to such minorities."

In the 51st Session held at Haripura while endorsing the resolution of the Working Committee passed in its meeting held in Calcutta in October 1937, the Congress declared afresh "that it regards it as its primary duty and fundamental policy to protect the religious, linguistic, cultural and other rights of the minorities in India so as to ensure for them in any scheme of government to which the Congress is a party, the widest scope for their development and their participation in the fullest measure in the political, economic and cultural life of the nation."

At the Meerut Session held in 1946 while deploring communal riots in Calcutta, East Bengal, Bihar and other places, the Congress reiterated "its conviction that the only solution of the Communal problem is complete independence from foreign control and appeals to the people not to allow communal passion to side-track the national struggle at this last stage of our march to freedom."

After India achieved independence the Congress in its Jaipur Session held in 1948 took account of its efforts to bring communal harmony as follows :

"Ever since its inception, the National Congress has conceived and striven for a nation where the people of all religions and races should have equal rights and opportunities and should function together as citizens of India. It has opposed communalism and separatism which weaken the nation and come in the way of all progress and co-operative effort. Keeping this ideal in view, it has nevertheless, by stress of circumstances, and by the pressure of the

dominating power at the time, accepted certain compromises, which introduced an element of communalism in the public life of the country. In spite of the efforts of the Congress, communal forces, exploiting the name of religion grew in strength and resulted not only in the partition of the country, but also in the foul assassina- of Mahatma Gandhi.

"The Congress reiterates this objective and declares its firm resolve not to permit communalism or the misuse of religion as a political weapon for anti-national and reactionary purposes. The Congress calls upon the country to make a supreme effort to restore goodwill, peace and harmony among the various communities that form the nation."

The resolution further added : "It was for this that Mahatma Gandhi laboured, and it was for this he ultimately sacrificed his precious life. To every Indian, and more particularly to every Congressman, he had left this great legacy and example."

In the 57th Session of the Congress held at New Delhi in 1951, the Congress again declared "that communalism in any shape or form is a misuse of religion and culture and is exceedingly harmful. Caste prejudices and barriers also encourage fissiparous tendencies and are detrimental to the larger interests of the country. Such prejudices as well as the spirit and practice of communalism are anti-social and disruptive and come in the way of the unity and progress of India and should therefore be opposed."

Again in the Hyderabad Session of the Congress held in 1953, it disapproved and condemned the communal activities in East Pakistan and Jammu and Kashmir. In the Avadi Session held in 1955, the Congress emphasized that in order to preserve the great variety of India and richness of her cultural life, "it is essential that India should be integrated culturally and psychologically. Caste, which is not only separatist but is opposed to the democratic ideal of equality, should be put an end to; and communalism, which degrades both religion and politics, should be strongly repressed. Provincialism, which is a narrowing and disruptive factor, checking the development of a unified and integrated India, should also be opposed."

In its Nasik Session held in 1956, the Congress declared : "that it is the basic policy of the nation, as reaffirmed in the Constitution, that India is a Democratic State while honouring every faith, neither favours nor discriminates against any particular religion or its adherents, and which gives equal rights and freedom of opportunity to all communities and individuals who form the nation. It is the

primary duty of every Congressman to carry this great message and to live up to it and to combat every form of communalism or separatism in India."

The above resume of the Congress resolution regarding Communalism clearly indicates that throughout its career the Congress has strived to maintain Communal harmony, promote goodwill among different communities and to give due consideration to the interests of the minorities.

"COMMUNALISM IN THE SERVICES"*

"The declaration of the Charter Act of 1833 that no native of India "should by reason only of his religion, place of birth, descent or any of them be disabled from holding any place, office or employment under the said company" remained a pious wish until the passage of Government of India Act of 1870. Section 6 of that act, provided that natives of India of "proved merit and ability" might be appointed to civil posts without taking the usual examinations in London. The drafting of the necessary rules which was delayed till 1879 provided that one-sixth of the recruits for the Indian Civil Service each year should be statutory natives of India, appointed by the Governor-General-in-Council on the nomination of the Provincial Governments. The rules, however, were not given a fair trial. In 1886, a Commission on Public Services was appointed. According to the official interpretation of their recommendations not one-sixth of the annual recruitment out of the Indian Civil Service posts in 1892 was reserved for Indians. In actual practice the recommendations were further whittled down. Although the rule required that 108 posts should be reserved for statutory natives, the Secretary of State listed only 96 and the number was later reduced to 61, the places eliminated being those that were most important and most remunerative."

"There were at that time (1913) about 100,000 domiciled Europeans in British India, 102,000 Anglo-Indians and 242,000,000 Asiatics, which means that one out of every 45 members of the domiciled community and one out of every 64 Anglo-Indians held a fairly lucrative Government job, whereas the proportion of Asiatics was about 1 to 53,000.**

The Montague-Chelmsford Reforms brought about immediate and far-reaching changes. Nearly 200 European Officers retired on proportionate pension, as they believed that the Reforms changed

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*Mehta, A. and Patwardhan, A. The Communal Triangle. 2nd ed. Allahabad, Kitabistan, 1942, p. 234.

**William Roy Smith : op. cit., 209-10.

the conditions of service in the first year of the new constitution. By 1924 the number had increased to 345. The number of new entrants also fell. The average annual recruitment in London for the Indian Civil Service for the series of years before the war was 53 of whom 93·4 percent were British and 6·6 percent were Indians. During the three years from 1921 to 1923 inclusive, there was an annual average of 20 British and 21 Indians, but the real difference was still greater because some of the British who qualified for appointment did not actually join the services. There was almost complete cessation of European recruitment for the Indian Medical, Educational and Agricultural Service.

In 1924 a Commission, presided over by Lord Lee of Fareham, suggested that in the Indian Civil Services 20 percent of the posts should be filled up by promotion from the Provincial Service, 40 percent by direct recruitment of Europeans and 40 percent by direct recruitment of Indians. In the Indian Police Service, the parallel figures were 20 ; 50 and 30 respectively. Provincial recruitment was recommended for the Transferred Department, *i.e.*, the Educational, Agricultural, Veterinary, the Indian Engineers and the Forest (75 percent Indians and 25 percent Europeans) Services

This very year also saw the introduction of communal ratio in the Services. The practice was given statutory recognition by a resolution published in the Gazette of India Part I (July 7, 1934). According to the rules published in the Gazette for Services recruited on an All-India basis "25 p.c. of all vacancies to be filled up by direct recruitment of Indians, will be reserved for Muslims and 8⅓ p.c., for other minority communities." Other rules provided that these percentages would not be disturbed. Similar rules were provided for Services recruited locally."

The effect of these policies on the growth of communal feeling is too obvious to need an elaborate emphasis. It may be argued that the distribution was made in perfect good faith but even the best of motives have ultimately to be judged by their results. Secondly, thanks to a very large percentage reserved for Europeans, the field had already become narrow. It was now further fragmented. As the prizes became fewer they became more attractive and in the end caused more bitterness."*

"COMMUNALISM AND RECENT GOVERNMENT POLICIES"**

"It is interesting to observe how communal politics have influenced British Policy on India. Recent statements of British

*Mehta. A. and Patwardhan, A. The Communal Triangle. 2nd ed. Allahabad, Kitabistan, 1942.

***Ibid*, pp. 238-41.

spokesmen show that, far from disapproving communal intransigence, the Government have not hesitated to adopt the arguments of the communalists for baulking the constitutional advance of India. There is also in evidence a conscious effort, on the part of the Government to riggle out of their past promises to end the process of Indian constitutional development by the establishment of free dominion governed by a democratic constitution.

Rebutting such an accusation, Sir Samuel Hoare in a speech in the House of Commons (on October 26, 1930) observed :

"We have shown our good faith in the matter, we showed it when we made the Communal Award. At that time supposing we had wished to divide and conquer we might have very well said, 'Settle your communal differences first, until you have settled them there can be no constitutional advance'."

Later events and utterances, however, indicate the emergence of such a wish to divide and conquer.

The Government of India Act of 1935, notwithstanding the safeguards and special responsibilities with which it is riddled, is unmistakably patterned on parliamentary democracy. The Instrument of Instructions to the Governors clearly shows that the new constitution envisaged what Professor Dicey has called the Cabinet System. The Government seem to have soon realised that such a constitution in spite of its many checks and counterpoises, would make Indian nationalism inconveniently strong.

It appears that the extravagant utterances of the communalists offered them the sorely needed avenue of escape. The absence of Communal harmony had long been used to equip the Governors and the Viceroy with special responsibilities, but not for denying a democratic form of Government. Let us watch the retreat from it as recently executed.

The Viceroy, anxious to get a united support for the Government's war effort, was content to give, in his pronouncement of October 18, 1939, "a clear assurance that the full weight would be given to their (*i.e.*, the minorities) views and their interests in any modification (of the constitution) that may be contemplated."

This same point was phrased differently and more shrewdly by the then Secretary of State for India, Lord Zetland, in his statement to the House of Lords, made on the same day as the Viceroy's pronouncement. He said that there is on the part of minorities insistent demand for safeguards against consequences which *rightly or wrongly* it is feared may result from the unfettered domination of the majority (*ours*).

As the war progressed, rather unfavourably, and the prospects of persuading the Congress to walk into the Government's parlour receded, the British utterances dropped the earlier hesitation and vagueness. On August 8, 1940 the Viceroy declared in his much boosted announcement :

"It goes without saying that they could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in Indian National Life. Nor could they be parties to coercion of such elements into submission to such a Government."

Was the Government under the Act of 1935 such a Government ? Were such elements coerced under it during its operation for just over two years in seven out of the eleven provinces of India ? Why did not the Governors intervene ? Why have they kept silent on these acts of injustice ? Have the allegations of such elements been made *rightly or wrongly* ? The Viceroy naturally did not care to answer such incidental queries.

But the answers are implicit in the shift in the attitude to the Act of 1935 that has taken place during the crucial months of the recent constitutional *impasse*. The Viceroy, who in October 1939 could reaffirm his belief in the essential soundness of the 1935 Act, in August 1940 discovered that it could no longer serve the purpose for which it was originally designed. He further declared, in the same speech, that the next step "did not exclude examination of any part either of the Act of 1935 or of the policy and plans on which it was based."

It was during this period that the new Secretary of State for India, Mr. Amery, discovered that in religious and social outlook, in historic traditions and culture, the difference between them (the Muslims) and their fellow countrymen goes so deep, if not deeper, than any similar difference in Europe. He appreciated "their quarrel with the existing scheme of the Act that it would give too great powers to a Hindu majority at the Centre." "They claim," he further observed, "the right in any constitutional discussions to be regarded as an entity."

Mr. Amery was not slow in upholding this claim. On August 14, 1940 he opined that the decision by majority is not so much of the essence of democracy as a political convenience. In order further to justify the minority's intransigence and thereby to fetter the rights of the majority, Mr. Amery raised the former to the status of "an entity" and degraded the latter to "a mere numerical"

majority ! And the claims and fears rightly or wrongly held of an entity are deemed more important than the rights of a mere numerical majority.

At their Lahore Session, March 1940 the Muslim League took up the hint so broadly dropped and at last passed its resolutions on Pakistan. In August 1940 Mr. Amery gave it his covert approval by declaring : "It may, indeed, prove to be the case it is by entirely novel departures from the existing scheme that an agreement can be reached, which is unattainable within the framework of incorporating the Pakistan demand in its creed and by adding to Pakistan the demand for a separate Dravidistan also."

To this, Mr. Amery in his turn, responded in his speech of 22nd April 1941, with the words, "The Indian Statesmen need not be bound by a system of Government between the Centre and the provinces." Federation idea is thus being adroitly jettisoned and the door opened for various fantastic schemes of Pakistan, Dravidistan, etc.

Majority rule, when expressed through the Congress, does not suit the Muslim League. It does not suit the Government either. This convergence of the League and the British standpoints is well brought out in Mr. Amery's speech of 18th November, 1941.

"*Rightly or wrongly*, the experience of the Provincial Self-Government on British parliamentary lines has convinced the Muslims and the States that they cannot submit to any Central Government for India in which the executive is directly dependent on a parliamentary majority which if provincial experience is any guide would be an obedient mouthpiece of the Congress High Command (*Ours*).

Mr. Amery has learnt from the provincial experience the same lesson as Mr. Jinnah. Both want to wriggle out of the logic of Parliamentary rule."

"That no subject shall be passed for discussion by the Subject Committee, or allowed to be discussed at any Congress by the President thereof, to the introduction of which the Hindu or the Mohammedan Delegates as a body object, unanimously or nearly unanimously ; and that if, after the discussion of any subject which has been admitted for discussion, it shall appear that all the Hindu or all the Mohammedan Delegates as a body are unanimously or nearly unanimously opposed to the Resolution which it is proposed to pass thereon, such Resolution shall be dropped. Provided, that the rule shall refer only to subjects in regard to which the Congress has not already definitely pronounced an opinion." *4 : 1888 : Allahabad : XIII.*

INDIAN NATIONAL CONGRESS AND THE MUSLIMS*

PRESIDENTIAL ADDRESS OF Mr. BADRUDDIN TYABJI, MADRAS, 1887.

...it has been urged in derogation of our character, as a representative national gathering, that one great and important community —the Mussulman Community—has kept aloof from the proceedings of the two last Congresses. Now, gentlemen, in the first place, this is only partially true and applies only to one particular part of India, and has moreover, been due to certain special, local, and temporary causes, and, in the second place, no such reproach can, I think, with any show of justice be urged against this present Congress, and, gentlemen,.....one great motive which has induced me in the present state of my health to undertake the grave responsibilities of presiding over your deliberations, has been an earnest desire on my part, to prove, as far as in my power lies, that I, at least, not merely in my individual capacity, but as representing the *Anjuman-i-Islam* of Bombay, do not consider that there is anything whatever in the position or the relations of different communities of India,—be they Hindus, Mussulmans, Parsees, or Christians—which should induce the leaders of any one community to stand aloof from the others in their efforts to obtain those great general reforms which are for the common benefit of us all and which, I feel assured, have only to be earnestly and unanimously pressed upon Government to be granted to us.

Gentlemen, it is undoubtedly true that each one of our great Indian communities has its own peculiar social, moral, educational and even political difficulties to surmount ; but so far as general political questions affecting the whole of India—such as those which alone are discussed by this Congress—are concerned, I for one am utterly at a loss to understand why Mussulmans should not work shoulder to shoulder with their fellow countrymen of other races and creeds, for the common benefit of all. Gentlemen, this is the principle on which we, in the Bombay Presidency, have always acted, and from the number, the character, position and the attainments of Mussulman delegates from the Bengal Presidency and from the Presidency of Madras, as well as from the North-West Provinces, and the Punjab, I have not the smallest doubt that this is also the view

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*See Presidential Address of Maulana Mohammad Ali, Cocanada, 1923, in *Indian Constitutional Documents*, Vol. III.

held, with but few though perhaps important exceptions, by the leaders of the Mussulman communities throughout the whole of India.

Note : [The first session of the Congress was attended by only 2 Muslims, the second by 33 and the sixth by 156 (22 percent of the delegates). "The bogey of Muslim opposition to the Congress was set up quite in the early years of the Congress and it is curious to note that Sheikh Raza Hussein Khan produced at the fourth session (1888, Allahabad) a *Fatwa* supporting the Congress from Shams-ul-Ulma, the leader of the Sunni community of Lucknow, and declared that 'it is not the Muslims, but their official masters who are opposed to the Congress'. " The third and twelfth sessions of the Congress (1887, 1896) were presided over by Muslims.]*

PRESIDENTIAL ADDRESS OF MR. PHEROZESHAH MEHTA, CALCUTTA, 1890.

.....our right to the designation of a national body has been vindicated. It is so admirably set forth in an article which appeared in a Conservative Review—*The National*—from the pen of a Conservative.....that I cannot resist the temptation of borrowing from it. "The supposed rivalry", says the writer, "between Mussalmans and Hindus is a convenient decoy to distract attention and to defer the day of reform. I do not wish to affirm that there is no antagonism between the adherents of the two faiths ; but I do most positively assert that the antagonism has been grossly exaggerated. Every municipal improvement and charitable work finds members of the two faiths working together and subscribing funds to carry it out. Every political paper in the country finds supporters from believers in both creeds. Just the same is witnessed in the proceedings of the Congress. The members of the Congress meet together as men, on the common basis of nationality, being citizens of one country, subjects of one power, amenable to one code of laws, taxed by one authority, influenced for weal or woe by one system of administration, urged by like impulses to secure like rights and to be relieved of like burdens. If these are not sufficient causes to weld a people together into one common alliance of nationality, it is difficult to conceive what would be sufficient. It is for this reason the organisation has been called the Indian National Congress ; not because .....it claims a non-existent unity of race, but because it deals with rights and interests which are national in character, and matters in which all the inhabitants of the Indian Peninsula are equally concerned."

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*Quoted from A.C. Banerjee's *Indian Constitutional Documents* 1757—1939, Vol. II, pp. 160-179.

THE GOVERNMENT OF INDIA ON THE ORIGIN OF SEPARATE ELECTORATE.*

"Indian society from historical causes.....is essentially a congeries of widely separated classes, races, and communities, with divergences of interest and hereditary sentiment which for ages have precluded common action of local unanimity. Representation of such a community upon such a scale as the Act permits can only be secured by providing that each important class shall have at least the opportunity of making its views known in the Council by the mouth of some member specially acquainted with them."

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After the receipt of the Secretary of State's instructions,** the Government of India defined for each province the classes which were of sufficient importance to require representation. Thus the classes considered to require representation in the Province of Bengal were as follows :—

"(1) Hindus.
(2) Muhammedans.
(3) Non-official Europeans and Anglo-Indians.
(4) Merchants, traders and manufacturers.
(5) Planting community.
(6) The population of the Presidency town.
(7) The urban classes of the mufassil.
(8) The rural classes.
(9) The professional and literary classes."

It was recognised at the time that this classification was a cross division : a person representing the professional or urban classes might also represent the Hindus ; and a person representing the rural classes might also represent the Muslims.

It will be noticed that the classes in Bengal to which the Government of India considered that representation must be secured comprised communities (for instance, Hindus, Muslims, and Europeans), classes (for instance, the urban, rural and professional classes), and interests (for instance, commercial interests) In the distribution made under the regulations no right of nomination was conferred on any community as such, but the regulations were so

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**Memoranda submitted to the Indian Statutory Commission by the Government of India*, Vol. IV, pp. 127-140.

**The idea of Separate Electorate was first conceived by the British Government in 1892 in order to safeguard the interests of different communities living in India.

Quoted from A.C. Banerjee's *Indian Constitutional Documents*, 1757—1939, Vol. II, pp. 298-308.

designed as to give effect to the expression of opinion of the Governof India...that "each important class shall have the opportunity of making its views known in Council by the mouth of some member specially acquainted with them....."

* * * *

Lord Minto assumed office as the Viceroy and Governor-General on the 18th November, 1905. In August, 1906, a Committee of the Executive Council was formed to consider a number of suggestions for reform, including, among other matters, increased representation on the Indian and provincial Legislative Councils.

While the Committee was at work, a deputation representing the Muslims of India waited upon His Excellency on the 1st October, 1906, and presented an address which was read by H.H. the Aga Khan. It was in this address that the claim to separate Muslim representation was made ; and it was in the reply given by His Excellency that the claim is commonly understood to have been conceded.....In the course of the address the deputation made the following points :—

(1) that in the whole of India the Muslims number over 62 millions or between 1/5th and 1/4th of the total population ;

(2) that if Animists and depressed classes ordinarily classed as Hindus, but not properly Hindus, were deducted, the proportion of Muslims to Hindus would be larger than is commonly shown ;

(3) that as their number exceeds the entire population of any first-class European power, except Russia, Muslims might justly claim adequate recognition as an important factor in the State ;

(4) that the position accorded to the Muslim community in any kind of representation, direct or indirect, and in all other ways affecting their status and influence should be commensurate not merely with their numerical strength, but also with their political importance and the value of the contribution which they make to the defence of the empire ;

(5) that the representation hitherto accorded to them, almost entirely by nomination, had been inadequate to their requirements and had not always carried with it approval of those whom the nominees were selected to represent ;

(6) that while Muslims are a distinct community with additional interests of their own, which are not shared by other communities, no Muslim would ever be returned by the existing electoral bodies unless he worked in sympathy with the Hindu majority in all matters of importance.

On these grounds the deputation made the following proposals :—

(*a*) that in the case of municipal and district boards the number of the Hindus and the Muslims entitled to seats should be declared ; such proportion being determined in accordance with the numerical strength, social status, local influence and special requirements of either community and that each community should be allowed to return their own representative, as in the Aligarh Municipality and in many towns in the Punjab ;

(*b*) that in the case of senates and syndicates of Indian universities there should, so far as possible, be an authoritative declaration of the proportion in which the Muslims are entitled to be represented in either body ;

(*c*) that in the case of Provincial Legislative Councils the proportion of Muslim representatives should be determined and declared with due regard to the considerations noted above, and that the important Muslim landlords, lawyers and merchants and representatives of other important interests, the Muslim members of district boards and municipalities and the Muslim graduates of Universities of a certain standing, say five years, should be formed into electoral colleges and be authorised to return the number of members that may be declared to be eligible ;

(*d*) for their representation in the Imperial Legislative Council they suggested—

(*i*) that the proportion of the Muslims should not be determined on the basis of numerical strength and that they should never be an ineffective minority ;

(*ii*) that as far as possible appointment by election should be given preference over nomination ;

(*iii*) that for the purpose of choosing the Muslim members, the Muslim landowners, lawyers and merchants, and representatives of every important interest of a status to be subsequently determined by the Government, the Muslim members of Provincial Legislative Councils and the Muslim Fellows of Universities should be invested with electoral powers.

His Excellency's reply to the address contained the following observation :—

* * * *

The Council's Committee..... gave special attention to the problem of Muslim representation. As a result of their enquiries, the Committee found that the Muslims had not been sufficiently

represented on the existing Councils, that the few elected members had not been really representative, and that nomination had failed to secure the appointment of Muslims of the class desired by the community. In order to remove these grievances they considered two measures necessary. In the first place they suggested that, in addition to the small number of Muslims who might be able to secure election in the ordinary manner, a certain number of seats should be assigned to be filled exclusively by the Muslims; and secondly, that for the purpose of filling those seats, or a proportion of them, a separate Muslim electorate should be formed.....

These proposals were supported by the Government of India and communicated to the Secretary of State, who accepted the principle that the Muslim community was entitled to a special representation on the Governor-General's and local Legislative Councils commensurate with its numbers and political and historical importance.

* * * *

During the period when these reforms were under discussion, there may be said to have been three schools of opinion on the subject of Muslim representation, namely,—

(1) Extreme separatists who insisted on absolute isolation;

(2) Moderate separatists who would give the Muslims full and adequate representation by means of special Muslim electorates and would also maintain their participation in the elections of the general electorate;

(3) Non-separatists who objected to any sort of class representation by separate electorates.

The proposals of the Government of India were those of the second class, and in a speech in the Imperial Legislative Council on the 29th of March, 1909, Mr. Gokhale said that his views on the subject of Muslim representation were practically the same as those of the Government of India. The words he used were as follows:—

"I think the most reasonable plan is to throw open a substantial minimum of seats to election on a territorial basis in which all qualified to vote should take part without distinction of race or creed. And then supplementary elections should be held for minorities which numerically or otherwise are important enough to need special representation, and these should be confined to members of minorities only."

Later on he added:—

"The idea of two water-tight compartments for Hindus and Muslims separately will not promote the best interests of the

country, and moreover it is really not feasible, for there cannot be only two such compartments unless all minorities other than the Muslims are to be joined to the Hindus, in which case the division will practically be Muslims and non-Muslims."

* * * *

The result then of the Morley-Minto reforms was that the constitution of the Provincial Legislative Councils was based upon a system of representation of classes and interests consisting of basic constituencies representing landholders, groups of district boards, and groups of municipal townships. There were no territorial constituencies properly so called, but the three Presidency corporations returned special representatives, and except in their case, no individual town or city had its own special number. To these basic classes were added representatives of universities, chambers of commerce, trades associations and other like interests, the members returned being in the great majority of cases elected, but in some few instances nominated. On these constituencies there were super-imposed certain special Muslim electorates. Thus besides voting in their own special constituencies, Muslims also voted in the general electorates, to counterpoise which these constituencies themselves were created. These special Muslim constituencies were on a territorial basis in the sense only that the province was divided territorially for the purpose of the election of Muslim representatives. Thus the Bombay Presidency was divided into four "areas" (they were not described as constituencies in the electoral rules), namely, the Southern, Northern and Central Divisions and the city of Bombay.

The double vote possessed by the Muslims was a source of grievance to other communities, who also resented the fact that in the special Muslim constituencies the franchise which was based upon property, educational and service qualifications went lower than the franchise in the general constituencies. The necessity for devising special electorates for Muslims in place of the utilisation of machinery already to hand in the shape of existing bodies, institutions and associations, or by the adoption of standards such as the payment of land revenue, had in effect resulted in the creation of special franchise lists reaching much lower down in the social scale and in consequence in many provinces there were persons with property or other qualifications who had a vote if they were Muslims, but not if they belonged to any other creed. There were no special constituencies for Muslims either in the Punjab, where it was felt that they would secure sufficient representatives in the

general constituencies, or in Burma and the Central Provinces, where their numbers are insignificant. In the remaining provinces, except Assam, the total strength of the Councils was 50 : the special Muslim constituencies varied from 2 in Madras to 5 in Bengal. In Assam the strength of the Council was 30, and there were 2 special Muslim constituencies.....the Additional Members of the (Imperial Legislative) Council were sixty in number including five elected by special Muslim constituencies, one each for the three Presidencies, one for the United Provinces, and one for Bihar and Orissa.

The most important point to stress with reference to the introduction of special Muslim electorates at the time of the Morley-Minto reforms was that they were accepted as an item in the generally approved policy that representation in the Councils should be representation of the various communities, classes and interests of which the country was composed. The need for securing adequate Muslim representation was recognised no less in 1892 than in 1909. When speaking on the 1892 Bill in the House of Lords Lord Kimberley had said, "there must be found some mode in India of seeing that minorities such as the important body of Muslims are fully represented." The reforms of 1892 were found to have failed to secure the adequate representation of Muslims, and it was in these circumstances that Parliament accepted the solution of special Muslim constituencies. In the circumstances of the case it would not be entirely accurate to describe the creation of a Muslim electorate, at the time when the elective principle was first openly recognised, as a novel departure from a previously accepted policy; in effect, these separate electorate confirmed the policy already accepted of representation by interests, including communal interests. Secondly, the acceptance by Lord Morley of communal electorates on behalf of His Majesty's Government requires to be read in the closest possible relation to the nature of the reforms which were being introduced at the time. The limited extent of those reforms was expressed in Lord Morley's well-known disclaimer—"If it could be said that this chapter of reforms led directly or indirectly to the establishment of a parliamentary system in India, I for one would have nothing to do with it."

With regard to the manner and form of the Muslim electorates of 1909, three points deserve to be borne in mind :—

(1) That the Muslim electorates were superimposed upon the general electorates, in which also qualified Muslims were competent to vote ;

(2) That the political importance of the community as distinct from its numerical strength was accepted by Lord Morley as a basis for special representation ;

(3) That the franchise in the Muslim constituencies, which elected direct to the Councils, was wholly different from the franchise qualifications in the general constituencies, in which the district boards and municipalities intervened between the primary voters and their representatives in the Councils.

PRESIDENTIAL ADDRESS OF Mr. R.M. SAYANI, CALCUTTA, 1896.*

"It is imagined by some persons that all or almost all the Mussalmans of India are against the Congress movement. That is not true. Indeed, by far the largest part do not know what the Congress movement is. Education of any sort or kind is conspicuous by its absence amongst them and their habitual apathy has kept them from understanding the movement at all. In fact they are blissfully ignorant. What the causes of such ignorance are, will be presently inquired into. It will be sufficient here to state that one infinitely small class of persons who have received liberal education through the medium of English language and another equally infinitely small class of persons who have received no education whatever through the medium of English language but who have acquired a smattering of what they are pleased to consider education through the Hindustani language, have considered it a fashionable thing to abuse the Congress and the Congressmen as such. There being thus two different classes of malcontents, if they may be so called, the grounds of their opposition are naturally different, nay, even inconsistent with each other. There is a third class, also a small one at present, who have recently risen from their apathy and are honestly endeavouring to educate themselves in the right direction and are destined soon to come to the front, and, it may safely be surmised, will become as enthusiastic supporters of the Congress movement as any ; but with this last mentioned class we have no immediate concern, and this address will confine itself to the two classes first mentioned. Before going, however, through the grounds of opposition on the part of these two classes it is desirable to revert to the causes of ignorance and apathy aforesaid. An advocate of the views of the first two classes might well be supposed, if he ever cared to put his views systematically, to place the case for the Mohammedans in the following way :—

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*Quoted from *Congress Presidential Addresses*, Vol. I, pp. 278-297, *Also in* A.C. Banerjee's *Indian Constitutional Documents*, 1757—1939. Vol. II, pp. 163-179.

Before the advent of the British in India, the Mussalmans were the rulers of the country. The Mussalmans had therefore all the advantages appertaining to the ruling class. The sovereigns and the chiefs were their co-religionists, and so were the great landlords and the great officials. The court language was their own. Every place of trust and responsibility, or carrying influence and high emoluments, was by birth-right theirs. The Hindus did occupy some positions but the Hindu holders of positions were but the tenants-at-will of the Mussalmans. The Mussalmans had complete access to the sovereigns and to the chiefs. They could, and did, often eat at the same table with them. They could also, and often did, intermarry. The Hindus stood in awe of them. Enjoyment and influence and all the good things of the world were theirs. Into the best-regulated kingdoms, however, as into the best-regulated societies and families, misfortunes would intrude and misfortunes did intrude into this happy Mussalman rule. By a stroke of misfortune, the Mussalmans had to abdicate their position and descend to the level of their Hindu fellow-countrymen. The Hindus, who had before stood in awe of their Mussalman masters, were thus raised a step by the fall of their said masters and with their former awe dropped their courtesy also. The Mussalmans, who are a very sensitive race, naturally resented this treatment and would have nothing to do either with the rulers or with their fellow-subjects. Meanwhile, the noble policy of the new rulers of the country introduced English education into the country. The learning of an entirely unknown and foreign language, of course, required hard application and industry. The Hindus were accustomed to this, as even under the Mussalman rule they had practically to master a foreign tongue, and so easily took to the new education. But the Mussalmans had not yet become accustomed to this sort of thing, and were, moreover, not then in a mood to learn, much less to learn anything that required hard work and application, especially as they had to work harder than their former subjects, the Hindus. Moreover, they resented competing with the Hindus, whom they had till recently regarded as their inferiors. The result was that so far as education was concerned the Mussalmans who were superior to the Hindus now actually became their inferior. Of course, they grumbled and groaned, but the irony of fate was inexorable. The stern realities of life were stranger than fiction. The Mussalmans were gradually ousted from their lands ; their offices ; in fact, everything was lost save their honour. The Hindus, from a subservient state, came into the lands, offices and other worldly advantages of their former masters. Their exultation knew no bounds and they trod upon

the heels of their masters. The Mussalmans would have nothing to do with anything in which they might have to come into contact with the Hindus. They were soon reduced to a state of utter poverty. Ignorance and apathy siezed hold of them while the fall of their former greatness rankled in their hearts. This represents the train of thought which pre-occupies the mind of many who would otherwise be well disposed towards this movement. All will admit that though they might object to particular statements, on the whole there is an element of truth which explains the Mohammedan depression.

Sir. W. W. Hunter says :

"Almost everywhere it was found that the Hindu population seized with avidity on the opportunities afforded by State education for bettering themselves in life ; while the Mohammedan community, excepting in certain localities, failed as a whole to do so. State education thus put the finishing stroke to the influence of the Mohammedans, as the former ruling race in India. That position they had inherited from the time of the Moghul Empire, and during the first period of the Company's administration they still held an undue proportion of official posts. In the last century Mussalman Collectors gathered the Company's land-tax in Bengal, Mussalman Foujdars and Ghatwals officered its Police. A great Mussalman department, with its headquarters in the Nawab Nazim's palace at Murshidabad, and a network of Mussalman officials over every district in Lower Bengal, administered the criminal law. Mussalman jailors kept ward over the prison population of Northern India ; Kazis or Mohammedan Doctors of Law presided in the civil and domestic courts. When the Company first attempted to administer justice by means of trained English officers in its Bengal possession, the Mohammedan Law Doctors still sat with them as their authoritative advisers on points of Law. The code of Islam remained for many purposes the law of the land, and the ministerial subordinate offices of Government continued to be the almost hereditary property of the Mussalmans. But with the introduction of English education, the Hindus began to pour into every grade of official life ; and the State system of education in 1854* completed the revolution." Teaching disappeared everywhere, even in the mosques. After the Mohammedan conquest of India the mosques had become "the centres of educational activity and were supported by imperial or local grants of land." But the mosques now ceased teaching, even in Lower Bengal, the province which, "a hundred years previously, was

*The reference is to Sir Charles Wood's Education Despatch of 1854.

officered by a few Englishmen, a sprinkling of Hindus and a multitude of Mohammedans." The Mussalmans lost all ground.

....."It became apparent that Western instruction was producing not only redistribution of employments but also an upheaval of races."

The Government of India, that is, the English gentlemen both in England and in India, directly concerned in carrying on the administration of India, became alarmed at the state of things. The English people, generally, were grieved at this mistaken, yet noble, race of Indian Mussalmans thus going fast to ruin. Despatch after despatch were sent to India to do something for the Mussalmans. Special facilities were ordered. Some Mussalmans were after all found willing to receive liberal education, and these in their turn organised themselves into a body to educate others, and thus arose the educated class of Mussalmans. The Mussalmans are noted for their gratitude. Some persons seem to have put it into their heads that Government as a body disapproved of their subjects criticising the measures of the administration. Hence that educated class, honestly, though mistakenly, opposes the Congress movement. As to the second class, their interest lies in keeping the Mussalmans ignorant, so as to turn such ignorance and the consequent credulity to their own advantage.

The following appear to be the objections of the Mussalmans to the Congress :—

1. That it is against their religion to join the Congress as by joining the Congress they will be joining the Hindus who are not Mussalmans.

2. That it is against their religion to join the Congress as by joining the Congress they will be joining a movement opposed to Government, a thing which is opposed to their religion, which directs obedience and loyalty to Government, albeit Government may not be treating them properly.

3. That it is against their religion to learn the English language.

4. That the success of the Congress would weaken the British rule, and might eventually end in the overthrow of the British power and the substitution of Hindu rule.

5. That Government is against the Congress movement ; that in addition to the duty of loyalty, the Mussalmans owe the duty of gratitude to Government for giving them a liberal education ; there-

fore by joining the Congress, the Mussalmans would be guilty of the sin of ingratitude towards Government.

6. That the Congress does not adequately represent all the races of India.

7. That the motives of the persons constituting the Congress are not honest.

8. That the aims and objects of the Congress are not practical.

9. That the Congress is not important enough to deal satisfactorily with the subjects it takes up.

10. That the modes of government prevailing in the West, namely, examination, representation, and election, are not adapted to India.*

11. That such modes are not adapted to Mussalmans.

12. That the result of the application of Western methods to India would be to place all offices under Government in the power of the Hindus, and the Mussalmans would be completely ousted from Government employment.

13. That Government employment should be conferred not on the test of examination, but by selection on the ground of race, position of the family, and the other social and local considerations.

14. That public distinctions, such as seats on the Legislative Councils, Municipal Boards, and other public bodies, should be conferred not by the test of election, but by nomination based on the ground of race, and social influence and importance.

15. That inasmuch as the Congress is a representative body, and inasmuch as the Hindus form the majority of the population, the Congress will necessarily be swamped by the Hindus, and the resolutions of the Congress will, to all intents and purposes, be the resolutions of the Hindus, and the Mussalmans' voice will be drown-

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*The following observations of Sir Syed Ahmad Khan (speech in Imperial Legislative Council on Central Provinces Local Self-Government Bill, 1883) are significant : "I am convinced that no part of India has yet arrived at the stage when the system of representation can be adopted, in its fullest scope, even in regard to local affairs.....in a couutry like India, where caste distinctions still flourish, where there is no fusion of the various races, where religious distinctions are still violent, where education in its modern sense has not made an equal or proportionate progress among all the sections of the population, I am convinced that the introduction of the principle of election, pure and simple, for representation of various interests on the local boards and the district councils, would be attended with evils of greater significance than purely economic considerations.....The larger community would totally override the interests of the smaller community, and the ignorant public would hold Government responsible for introducing measures which might make the differences of race and creed more violent than ever."

ed, and therefore, if the Mussalmans join the Congress they will not only not be heard, but will be actually assisting in supporting Hindus to pass resolutions against the interest of the Mussalmans, and to give colour to such resolutions as the resolutions of Hindus and Mussalmans combined and thus aiding in passing resolutions against themselves and misleading Government into believing that the Mussalmans are in favour of such resolutions.

16. That Mussalman boys have to learn the language appertaining to their religion before joining schools; they are, therefore, at a disadvantage in the start for English education as compared with the Hindus. That the result is, that the Hindus pass the examination, and as Government employment is given upon the test of examination, the Mussalmans are necessarily ousted from Government employment, and it follows that the test of examination is not a fair test.

17. That as employments are given on the test of examination the result is the Hindus get such employment, and even in districts where the majority of the population are Mussalmans, the Hindus form the subordinate officialdom. That the Hindus, being hostile to the Mussalmans, lord it over them, and the Mussalmans are naturally grieved to be lorded over by the Hindus. That in many cases these Hindus are from the lower strata of society, and in that case they tyrannise the more and thus aggravate the harsh treatment of the Mussalmans. That the result is that Mussalmans, and amongst them Mussalmans descended from royal and noble families, are mortified at being not only ruled over, but even molested by and tyrannised over, in all manner of ways by Hindus, and Hindus of the lowest orders.

I now proceed to answer these objections :

1. Mussalmans in the past—Mussalmans not in name only, but orthodox, true Mussalmans—constantly travelled in foreign lands and mixed with all the nations of the world. The Mussalmans in India are the descendants of Mussalmans who thus travelled to and settled in India, and of the Hindus whom such Mussalmans converted to Islam. All the Mussalmans in India have always lived side by side with the Hindus and mixed with them and even co-operated with them, both during the period of the Mussalman rule as also since then. In fact, both the Mussalmans and the Hindus, as also older races residing in this country, are all equally the inhabitants of one and the same country, and are thus bound to each other by ties of a common nativity. They are all sharers in the benefits and advantages, as also in the ills, consequent on common residence ;

and so far as natural and climatic conditions are concerned all the inhabitants, irrespective of all other considerations, are subject to common joys and common sorrows and must necessarily co-operate with each other, as humanity is imperfect and dependent on co-operation. Again, both the Mussalmans and the Hindus are subjects of the same sovereign and living under the protection of the same laws and are equally affected by the same administration. The object of the Congress is to give expression to the political demands of the subjects and to pray that their political grievances may be redressed and their political disabilities may be removed ; and the political burdens of the country may be lightened and its political conditions may be ameliorated ; that the political status of millions of human beings who are their fellow countrymen may be improved, and their general conditions may be rendered more tolerable. It is a most meritorious work, a work of the highest charity. No nobler or more charitable work could possibly be conceived. The only question is whether there should be two separate organisations, Mussalman and Non-Mussalman, both simultaneously doing the same work, separate in name, but identical in nature and interest, or whether there should be a joint organisation. Obviously the latter is preferable, especially as the Congress has no concern whatever with the religion or the religious convictions of any of its members.

2. It is not true that the Congress movement is a movement in opposition to Government. It is a movement for the purpose of expressing the grievances of the subjects to Government in a legal and constitutional manner, and for the purpose of asking Government to fulfil promises made by Government of its free will and pleasure ; in fact, it is the duty of all truly loyal subjects—subjects desirous of seeing the Government maintained in its power—to inform Government of their own wants and wishes as it is also the duty of Government to ascertain the wants and wishes of subjects and, indeed, those subjects who will not keep the Government well informed of their own wants and wishes cannot be called true friends of Government. We are all aware that the English nation, our common fellow-subjects, always makes it a point to inform Government of its own wants and wishes, so that Government may be able to fulfil such wants and wishes. In the case of India, moreover, promises have been made from time to time by Government to concede certain privileges ; indeed we have the plighted word of our most gracious sovereign herself confirming those promises. It is our duty, therefore, to remind Government of such promises and to ask it to fulfil them.

3. Language is but the medium of expression. Orthodox and true Mussalmans in their time learnt the Greek, the Latin, and other languages. There is, therefore, nothing against learning any language. In fact, many Mussalmans of India, indeed, most of them, learn and speak languages other than the language of their religion. The objection, therefore, against learning the English language, which is moreover the language of our rulers, is so absurd on the face of it, that it need not be further adverted to.

4. The object of the Congress has already been stated. The success of the Congress, as has also been stated, instead of weakening Government, will only contribute towards the greater permanency of British rule in India. The Mussalmans, therefore, need not be frightened by phantoms created by their own imagination.

5. It is the duty of all good boys, who have by the liberal policy of their fathers been enabled to receive a liberal education, to repay the kindness of their fathers, by assisting their fathers in the management of their affairs with the aid of such education and by contributing to the maintenance and welfare of the family by all honest means in their power. Similarly, it is the duty of those subjects who have received a liberal education with the aid of Government, to repay the kindness of Government by assisting Government in the proper discharge of its high functions, by informing Government of the shoals and rocks lying ahead in its path and thus enabling Government to steer clear of such shoals and rocks and thus unintentionally of course, but nevertheless contribute to its grounding ashore. The gratitude lies in true good wishes and true good assistance, and not in false modesty and indolence.

6. If the Congress does not, as is alleged, adequately represent all the races, surely the fault lies, not on the shoulders of the Congress leaders who invite all the races, but on the shoulders of those races themselves who turn a deaf ear to such invitation, and prefer not to respond to it. It is the duty of such races, in response to such invitation to attend the Congress and not blame the Congress when, in fact, they ought to blame themselves.

7. All public bodies, assembled in public meetings, desirous of giving every publicity to their proceedings and even keeping a public record of their transactions, ought to be judged by their sayings and doings. It is not right or proper to attribute to such bodies improper motives unless such motives can be fairly and reasonably inferred from their sayings or doings or both. In fact, no person having any sense of self-respect ought to attribute improper motives unless he is prepared to prove the same and it is to be hoped, for

the honour of the Mussalmans, to cease from making reckless charges which they are not prepared to substantiate. As to the ends and objects of the Congress not being practical it is a well-known fact that public attention has been drawn to the demands of the Congress and not only the classes but even the masses have already been awakened to a sense of their political grievances and disabilities. Government has also been pleased to take into its favourable consideration the demands of the Congress and has partially conceded the expansion of the Legislative Councils and introduced the elements of election therein. Indeed, if the Congress movement is continued with the same ability, prudence and sagacity that have characterised it in the past, and specially if those who have hitherto contented themselves with simply throwing out objections begin in right earnest to take part in the movement, the movement is certain to bear fruit in the very near future and to end in practical results.

8. As to the Congress not being important enough to deal with the subjects it takes up, it will not be denied that the Congress contains in its ranks some of the most educated, most wealthy and most influential men of the day, some of whom have occupied—and occupied honourably—public offices of trust and importance, and most of whom are leaders of their respective centres. In fact, in the Congress camp one comes across legislators, Municipal Councillors, rich Zamindars, extensive merchants, renowned lawyers, eminent doctors, experienced publicists, indeed representatives of every industry and every profession in the land. In fact, it will be hard—nay, impossible—to name any other non-official public body equally important with the Congress.

10. As to the modes of Government prevailing in the West not being adapted to India, the position stands as follows : In a primary state of society, whilst a particular small nation, confined to a narrow strip of territory, is governed by a single ruler who generally belongs to the nation and is residing in the territory as the nation is not a numerous one and the territory not a large one, the ruler is necessarily in daily and constant touch with his subjects. The affairs of the State are of a very limited nature and do not occupy much time of the ruler. Moreover, there are not special or local circumstances of sufficient importance to be taken into consideration. The affairs of the State are of a simple nature. The offices are not many and do not require special merits for their proper performance. Whenever, therefore, the ruler has to appoint to a post the ruler himself is qualified to do so. He does not find it necessary to resort to any complicated method for the performance of this part of

his duty. Hence the posts are filled without compelling the candidates to undergo the troubles of going through any definite or complicated course of instruction or examination. As the nation, however, increases in numbers, as the territory is enlarged and the needs of the society become more numerous and more complicated, the number of the posts to be filled becomes greater and the qualifications required for the proper performance of the posts grow higher and are of diverse character. The touch of the ruler with each one of the ruled gets less and less and the ruler cannot possibly keep himself personally abreast of a knowledge of the increased and complicated needs of the people. He becomes, in fact, less qualified to properly fill up all the posts and he is compelled to delegate this part of his duty to others. In course of time, he discovers that it is not a very satisfactory thing to nominate to posts by means of deputies and that some definite methods of selection must be substituted. The considerations which formerly guided him when he alone had personally to nominate, are of such a vague character when placed in the hands of his deputies, that he finds that it is not only not useful but even mischievous to resort to them as, instead of such considerations being in fact given weight to, they simply open a wide door to undue influence and even bribery and he finds it necessary to discard them and is compelled to limit himself to selection by a public examination of candidates, after they have gone through a course of instruction laid down for the purpose. Thus it happens that all other qualifications such as of family, standing and position and others, come to be dispensed with, and the test of public examinations, that is, of personal merit alone, as tested by such examinations, is substituted. It may be conceded at once that it is not a perfect or infallible test. It is a choice of evils. In order, however, to guard so far as possible against the evil of dispensing with the other considerations a certain proportion of the posts is reserved to be filled up by the original method of nomination and the examination test is resorted to for filling up initial posts alone, and promotion is guided by seniority and merit combined. The circumstances above set forth are not peculiar to any particular country or climate but are equally applicable to all, and it is not correct to say that the above method is a peculiarly Western method and not applicable or adapted to India. In fact, in China which is peculiarly an Eastern country the same method has been of universal application for many centuries past. Moreover, the present rulers of India happen to be foreigners and in their case, therefore, the considerations, which have led to the method of examination being adopted, apply with even greater force. The above considerations also

apply to the method of election and representation, though not with the same force or to the same extent. Hence, election and also nomination in the case of Local Boards, Municipal Corporations, Legislative Councils, and the like. It has been suggested by the Honourable Haji Mohammad Ismail Khan, of the North-West Provinces, that the Congress should pass a resolution "recognising the absolute necessity of equality of number of Hindu and Mohammedan elected members in Legislative Councils, District Boards, and Municipalities....." and "wishing all Hindus and Mohammedans to elect accordingly." It is a good suggestion, but so long as Mussalmans do not join the Congress movement in the same numbers and with the same enthusiasm as the Hindus do, the Congress cannot in fairness be asked to carry out such a suggestion in the manner and to the extent indicated in the suggestion.

11. As to the modes of government prevailing in the West not being adapted to Mussalmans, the observations in answer to objection no. 10 also apply to this objection. The Mussalmans may be reminded that our Holy Prophet did not name a successor. He left it to the believers to elect one for themselves. The Caliph or the successor was originally freely chosen by the free suffrages of the believers and was responsible to them for his acts. In later times this practice was altered, and the Caliphs were made hereditary ; but this was done by the confidence and the consent of the believers. But even to this day the sanction of the believers, in the shape of *Biat*, is deemed necessary. "The Government of Islam," says Mr. Ahmed Riza, "is, therefore, in the hands of an elective monarch, limited in the exercise of his powers by prescriptive religious traditions. According to Mussalman Law, if the Caliph departs from these traditions the body of the learned (*Ulema*) is armed with the right of remonstrating, and is even able to depose him. Amongst these traditions, there is one which makes it obligatory on the Caliph not to do, or even to resolve on, any act without first seeking the advice of the chiefs of the tribes and the doctors of the law—a principle very characteristic of Representative Government. According to Mussalman Law, the Caliph is bound to be just, to respect the liberties of the people, to love his subjects, *to consider their needs, and listen to their grievances.*".....'It is clear that Islam knew how to determine and regulate the rights and duties of the sovereign even before England essayed the task.".....Election and representation as also universal brotherhood are the characteristics of Islam and ought not to be objected to by Mussalmans. All Mussalmans are equal, and if they want any employment, they must like the rest pass public examinations. If they want any position of rank they

must endeavour to be fit for such position and resort to election, like the rest. Of course, if they can gain such position by nomination, they must thank their good fortune, but if they cannot, they have no right to grumble. They may contend, however, that so far as examinations are concerned, they are at a disadvantage, as compared with the Hindus. If that is so, it is no doubt a misfortune. But surely they must rely on merciful Providence and put their own shoulders to the wheel and by the grace of God they are bound to succeed in their efforts ; nay, even more ; if they have more difficulties to overcome than the Hindus, so much the more creditable will be their success to them and so much the more will they be qualified, not only for the initial post, but for higher promotion. In fact, even in India, we find that when Mussalmans do really take to liberal education, they generally equal, if not even surpass, the other races, and that Mussalmans are good not only in matters requiring muscle and valour, but also mental powers and intellectual vigour and the Mussalman community of India can produce distinguished and deeply learned scholars..... The Mussalmans may further contend that in elections they will be swamped. All that may be said here is that they are mistaken in thinking so. They have simply to try, and they will find that they will have no reason to complain. Assuming, however, that they are unsuccessful, notwithstanding their honest endeavours and notwithstanding their fitfulness, why, then Government will, for its own safety, be compelled to come to their help.

Objections 12, 13, 14 and 16 have already been answered.

15. It does not follow that, because the Hindus form the majority of the Congress, the resolutions of the Congress will be the resolutions of the Hindus. It is a standing rule of the Congress solemnly passed and recorded that if any proposal is disapproved of by the bulk of either the Hindus or the Mussalmans, the same shall not be carried. Again, the Congress is not a meeting of share-holders in a Joint Stock Company or ony other body formed for the gain of profit or for private interests, and a numerical majority does not and cannot influence its decisions—decisions, by the bye, which cannot affect anybody as they are simply expression of opinions, and as such must necessarily depend on their intrinsic sense and reasonableness to carry any weight with the Government for whose benefit they are passed. Again, so long as the Congress leaders happen to be men of education and enlightenment, men of approved conduct and wide experience, men, in fact, who have a reputation to lose, the Congress will never be allowed to run its course for the benefit of

sectional, private or party purposes. Again, if the Mussalmans attend Congress meetings, surely the Congress shall be bound to hear and to give careful considerations to Mussalman views, and arguments founded on facts and reasons are bound to prevail. Assuming, however, that the Congress is reduced to a rabble meeting, which is not probable, why, then it will lose its position and nobody will pay any attention to its resolutions.

The Mussalmans, however, instead of raising puerile and imaginary objections from a distance, should attend Congress meetings and see for themselves what is going on in such meetings ; indeed, they will find that even when one member puts forward cogent reasons in opposition to the proposal, such proposal is eventually dropped.

17. If the complaint in regard to the conduct referred to in the objection be correct, it may be mentioned that such conduct is not peculiar to any particular race.

It is in the nature of things that persons of low origin, born or brought up in the atmosphere of low morals, should on finding themselves suddenly clothed with the authority of the *Sircar*, get their heads turned and be led into playing the tyrant. The less the education they have received, and the smaller the emoluments their posts carry, the greater their supercilliousness, the more marked their contempt for others. Cringing to superior authority and lording it over the people who have anything to do officially with them, are the distinguishing traits of these pests of society. Persons of high birth and culture, who have seen better days and better society, may sometimes be naturally inclined to give to these supercillious tyrants a sound thrashing so as to make them remember it to the end of their days and prevent them from reverting to their evil ways. But persons of high birth and culture naturally recoil from doing anything which may savour of vulgarism, and hence their silent sufferings. Government has been ever ready and willing to check high-handedness and insulting conduct on the part of their native subordinate officials. Europeans, both official and non-official, lovers of manliness and justice as they are, strongly disapprove their hauteur. But no Government, however watchful, and however anxious it may be, can possibly completely eradicate the evil, the true remedies for the removal of which are as follows : The standard of education required of candidates for subordinate official posts should be gradu ally raised higher and higher so as to compel the candidates to have better education, better culture, in order to make them forget the evil surroundings of their previous life and to take to a better appreciation of the moral laws of nature. At the same time education

should be disseminated all over the land and the standard of education of the masses should be gradually and steadily raised, so that the masses, armed with the weapon of education, may not have meekly to submit to petty tyrannies but may know to protect themselves against them and to bring the offenders to a proper sense of their puniness, and the impropriety of their conduct by means of union and the agitation of their grievances, and in legally proveable cases by bringing the culprits to their well-deserved punishments."

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Address presented to Lord Minto, Viceroy of India, on October 1, 1906 at Simla, by a 35-man Muslim deputation headed by Sir Sultan Mohammed Shah Aga Khan, G.C.I.E.

"May it please Your Excellency, availing ourselves of the permission accorded to us, we, the undersigned nobles, *jagirdars, taluqdars, lawyers, zemindars,* merchants and others representing a large body of the Mohammedan subjects of His Majesty the King Emperor in different parts of India beg most respectfully to approach Your Excellency with the following address for your favourable consideration.

"We fully realise and appreciate the incalculable benefits conferred by British rule on the teeming millions belonging to diverse races and professing diverse religions who form the population of the vast continent of India, and have every reason to be grateful for the peace, security, personal freedom and liberty of worship that we now enjoy. Further, from the wise and enlightened character of the Government, we have every reasonable ground for anticipating that these benefits will be progressive, and that India will in the future occupy an increasingly important position in nations.

"One of the most important characteristics of British policy in India is the increasing deference that has so far as possible been paid from the first to the views and wishes of the people of the country in matters affecting their interests with due regard always to the diversity of race and religion which forms such an important feature of all Indian progress.

Claims of the Community

"Beginning with the confidential and unobtrusive method of consulting influential members of important communities in the right of recognised political commercial organisations to

communicate to the authorities their criticisms and views on measures of public importance, and finally by the nomination and election of direct representatives of the people in Municipalities, District Boards, and above all in the Legislative Chambers of the country. This last element is, we understand, about to be dealt with by the Committee appointed by Your Excellency with the view of giving it further extension, and it is with reference mainly to our claim to a fair share in such extended representation and some other matters of importance affecting the interests of our community, that we have ventured to approach Your Excellency on the present occasion.

Past Traditions

"The Mohammedans of India number, according to the census taken in the year 1901, over sixty-two millions or between one-fifth and one-fourth of the total population of His Majesty's Indian Dominions, and if a reduction be made for the un-civilised portions of the community enumerated under the heads of animist and other minor religions, as well as for those classes who are ordinarily classified as Hindus but properly speaking are not Hindus at all, the proportion of Mohammedans to the Hindu majority becomes much larger. We, therefore, desire to submit that under any system of representation extended or limited a community in itself more numerous than the entire population of the any first class European power except Russia may justly lay claim to adequate recognition as an important factor in the State.

"We venture, indeed, with Your Excellency's permission to go a step further, and urge that the position accorded to the Mohammedan community in any kind of representation, direct or indirect, and in all other ways affecting their status and influence should be commensurate, not merely with their numerical strength, but also with their political importance and the value of the contribution which they make to the defence of the empire, and we also hope that Your Excellency will in this connection be pleased to give due consideration to the position which they occupied in India a little more than hundred years ago and of which the traditions have naturally not faded from their minds.

"The Mohammedans of India have always placed implicit reliance on the sense of justice and love of fair dealing that have characterised their rulers, and have in consequence abstained from pressing their claims by methods that might prove at all embarrassing, but earnestly as we desire that the Mohammedans of India should not in the future depart from that excellent and time-

honoured tradition, recent events have stirred up feelings, especially among the younger generation of Mohammedans, which might, in certain circumstances and under certain contingencies easily pass beyond the control of temperate counsel and sober guidance.

"We, therefore. pray that the representations we herewith venture to submit, after a careful consideration of the views and wishes of a large number of our co-religionists in all parts of India, may be favoured with Your Excellency's earnest attention.

European Representative Institutions

"We hope Your Excellency will pardon our starting at the outset that representative institutions of the European type are new to Indian people ; many of the most thoughtful members of our community, in fact, consider that the greatest care, forethought and caution will be necessary if they are to be successfully adapted to the social, religious and political conditions obtaining in India, and that in the absence of such care and caution their adoption is likely among other evils, to place our national interests at the mercy of an unsympathetic majority. Since, however, our rulers have, in pursuance of the immemorial instincts and traditions, found it expedient to give these institutions an unsympathetic majority. Since, however, our rulers have, in pursuance of the immemorial instincts and traditions, found it expedient to give these institutions an increasingly important place in the Government of the Country, we Mohammedans, cannot any longer in justice to our own national interests hold aloof from participating in the conditions to which their policy has given rise. While, therefore, we are bound to acknowledge with gratitude that such representation as the Mohammedans of India have hitherto enjoyed has been due to a sense of justice and fairness on the part of Your Excellency and your illustrious predecessor in office and the heads of the Local Governments by whom the Mohammedan members of Legislative Chambers have almost without exception been nominated, we cannot help observing that the representation thus accorded to us has necessarily been inadequate to our requirements, and has not always carried with its the approval of those whom the nominees were selected to represent. This state of things was probably under existing circumstances unavoidable, for while on the one hand the number of nomination reserved to the Viceroy and the Local Governments has necessarily been strictly limited, the selection on the other hand of really representative men has in the absence of any reliable method of ascertaining the direction of popular choice been far from easy.

The Results of Election

"As for the results of election, it is most unlikely that the name of any Mohammedan candidate will ever be submitted for the approval of Government by the electoral bodies as now constituted unless he is in sympathy with the majority in all matters of importance. Nor can we find fault with the desire of our non-Muslim fellow subjects to take full advantage of their strength and vote only for members of their own community, or for persons who, fi not Hindu, are expected to vote with the Hindu majority on whose goodwill they would have to depend for their future re-election. It is true that we have many and important interests in common with our Hindu fellow countrymen and it will always be a matter of the utmost satisfaction to us to see these interests safeguarded by the presence in our Legislative Chambers of able supporters of these interests, irrespective of their nationality.

A Distinct Community

"Still, it cannot be denied that we Mohammedans are a distinct community with additional interests of our own which are not shared by other communities, and these have hitherto suffered from the fact that they have not been adequately represented. Even in the provinces in which the Mohammedans constitute a distinct majority of the population they have too often been treated as though they were inappreciably small political factors that might without unfairness be neglected.

"Before formulating our views with regard to the election of representatives, we beg to observe that the political importance of a community to a considerable extent gains strength or suffers detriment according to the position that the members of that community occupy in the service of the State.

"If, as is unfortunately the case with the Mohammedans, they are not adequately represented in this manner, they lose in the prestige and influence which are justly their due.

Employment in Government Service

"We, therefore, pray that Government will be graciously pleased to provide that both in the gazetted and the subordinate and ministerial services of all Indian provinces a due proportion of Mohammedans shall always find place. Orders of like import have at times been issued by local Governments in some provinces but have not unfortunately in all cases been strictly observed on the ground that qualified Mohammedans were not forthcoming. This allegation,

however well founded it may have been at one time, is, we submit, no longer tenable now, and wherever the will to employ them is not wanting the supply of qualified Mohammedans, we are happy to be able to assure Your Excellency, is equal to the demand.

The Competitive Element

"Since, however, the number of qualified Mohammedans has increased, a tendency is unfortunately perceptible to reject them on the ground of relatively superior qualifications having to be given precedence. This introduces something like the competitive element in its worst form, and we may be permitted to draw Your Excellency's attention to the political significance of the monopoly of all official influence by one class. We may also point out in this connection that the efforts of Mohammedan educationists have from the very outset of the educational movement among them been strenuously directed towards the development of character, and this we venture to think is of greater importance than mere mental alertness in the making of good public servants.

Mohammedans on the Bench

"We venture to submit that the generality of the Mohammedans in all parts of India feel aggrieved that Mohammedan Judges are not more frequently appointed to the High Courts and Chief Courts of Judicature. Since the creation of these courts only three Mohammedan lawyers have held these honourable appointments, all of whom have fully justified their elevation to the Bench. At the present moment there is not a single Mohammedan Judge sitting on the Bench of any of these Courts, while there are three Hindu Judges in the Calcutta High Court, where the proportion of Mohammedans in the population is very large, and two in the Chief Court of the Punjab, where the Mohammedans form the majority of the population. It is not, therefore, an extravagant request on our part that a Mohammedan should be given a seat on the Bench of each of the High Courts and Chief Courts. Qualified Mohammedan lawyers eligible for these appointments can always be found, if not in one province then in another. We beg permission further to submit that the presence on the Bench of these Courts of Judges learned in the Mohammedan Law will be a source of considerable strength to the administration of Justice.

Municipal Representation

"As Municipal and District Boards have to deal with important local interests affecting to a great extent the health, comfort, educational needs and even the religious concerns of the inhabitants, we

shall, we hope, be pardoned if we solicit for a moment Your Excellency's attention to the position of Mohammedans thereon before passing to higher concerns. These institutions form, as it were, the initial rungs in the ladder of Self-Government, and it is here that the principle of representation is brought home intimately to the intelligence of the people, yet the position of Mohammedans on these Boards is not at present regulated by any guiding principle capable of general application, and practice varies in different localities. The Aligarh Municipality, for example, is divided into six wards and each ward returns one Hindu and one Mohammedan Commissioner, and the same principle we understand, is adopted in a number of Municipalities in the Punjab and elsewhere, but in a good many places the Mohammedan tax-payers are not adequately represented. We would, therefore respectfully suggest that the local authority should in every case be required to declare the number of Hindus and Mohammedans entitled to seats on Municipal and District Boards, such proportion to be determined in accordance with the numerical strength, social status, local influence and special requirements of either community. Once their relative proportion is authoritatively determined, we would suggest that either community should be allowed severally to return their own representatives as is the practice in many towns in the Punjab.

Fellows of Universities

"We would also suggest that the Senates and Syndicates of Indian Universities might be similarly dealt with, that is to say, there should, so far as possible, be an authoritative declaration of the proportion in which Mohammedans are entitled to be represented in either body.

Nomination to Provincial Councils

"We now proceed to the consideration of the question of our representation in the Legislative Chambers of the Country. Beginning with the Provincial Councils, we would most respectfully suggest that as in the case of Municipalities and District Boards the proportion of Mohammedan representatives entitled to seats should be determined and declared with regard to the important considerations which we have ventured to point out in paragraph 5 of this address, and that the important Mohammedan landowners, lawyers, merchants and representatives of other important interests, the Mohammedan members of District Boards and Municipalities and the Mohammedan graduates of Universities of a certain standing, say five years, should be formed into Electoral Colleges and be authorised, in accordance with such rules of procedure as Your Excellency's Government may

be pleased to prescribe in that behalf, to return the numbers of members that may be declared to be eligible.

The Viceroy's Council

With regard to the Imperial Legislative Council whereon the due representation of Mohammedan interests is a matter of vital importance, we crave leave to suggest (1) that in the cadre of the Council the proportion of Mohammedan representatives should not be determined on the basis of the numerical strength of community, and that in any case the Mohammedan representatives should never be an ineffective minority; (2) that so far as possible, appointment by election should be given preference over nomination; (3) that for the purposes of choosing Mohammedan members, Mohammedan landowners, lawyers, merchants and representatives of other important interests of a status to be subsequently determined by Your Excellency's Government, Mohammedans of the Provincial Councils and Mohammedan fellows of Universities should be invested with electoral powers to be exercised in accordance with such procedure as may be prescribed by Your Excellency's Government in that behalf.

The Executive Council

"An impression has lately been gaining ground that one or more Indiam Members may be appointed on the Executive Council of the Viceroy. In the event of such appointment being made we beg that the claims of Mohammedans in that connection may not be overlooked. More than one Mohammedan we venture to say, will be found in the country fit to serve with distinction in that august chamber.

A Mohammedan University

"We beg to approach Your Excellency on the subject which must closely affect our national welfare. We are convinced that our aspirations as a community and our future progress are largely dependent on the foundation of a Mohammedan University which will be the centre of our religious and intellectual life. We, therefore, must respectfully pray that Your Excellency will take steps to help us in the undertaking in which our community is so deeply interested.

"In conclusion we beg to assure Your Excellency that in assisting the Mohammedan subjects of His Majesty at this stage in the development of Indian affairs in the directions indicated in the present address, Your Excellency will be strengthening the basis of their unswerving loyalty to the Throne and laying the foundation of their political advancement and national prosperity, and Your Excellency's

name will be remembered with gratitude by their posterity for generations to come, and we feel confident that Your Excellency will be gracious enough to give due consideration to our prayers."

Lord Minto's Reply to Muslim Deputation

"Your Highness and Gentlemen, allow me before I attempt to reply to the many considerations your address embodies, to welcome you heartily to Simla. Your presence here today is very full of meaning. To the document which you have presented me, are attached the signatures of nobles, of ministers of various States, of great landowners, of lawyers, of merchants and of many others of His Majesty's subjects. I welcome the representative character of your deputation as expressing the views and aspirations of the enlightened Muslim community of India. I feel that all you have said emanates from a representative body basing its opinions on a matured consideration of the existing political con lition of India, totally apart from the small personal or political sympathies and antipathies of scattered localities, and I am grateful to you for the opportunity you are affording me of expressing my appreciation of the just aims of the followers of Islam and their determination to share in the political history of our Empire.

"As your Viceroy, I am proud of the recognition you express of the benefit conferred by British rule on the diverse races of many creeds who go to form the population of this huge continent. You yourselves, the descendants of a conquering and ruling race, have told me today of your gratitude for the personal freedom, the liberty of worship, the general peace and the hopeful future which British administration has secured for India.

Help in the Past

"It is interesting to look back on early British efforts to assist the Mohammedan population to qualify themselves for the public service. In 1782 Warren Hastings founded the Calcutta *Madrasah* with intention of enabling its students to compete on more equal terms with the Hindus for employment under Government. In 1811 my ancestor Lord Minto, advocated improvements in the *Madrasah* and the establishment of Mohammedan Colleges at other places throughout India. In later years, the efforts of the Mohammedan Association led to the Government resolution of 1885 dealing with the educational position of the Mohammedan community and their employment in the public service, whilst Mohammedan educational

effort has culminated in the College of Aligarh, that great institution which the noble and broadminded devotion of Sir Syed Ahmed Khan has dedicated to his co religionists.

The Aligarh College

"It was in July 1877 that Lord Lytton laid the foundation stone of Aligarh, when Sir Syed Ahmed Khan addressed these memorable words to the Viceroy, 'The personal honour which you have done me assures me of a great fact and fills me with feeling of a much higher nature than mere personal gratitude. I am assured that you, who upon this occasion represent the British rule, have sympathies with our labours and this assurance is very valuable and a source of great happiness. At my time of life it is a comfort to me to feel that the undertaking which has been for many years, and is now the sole object of my life, has roused on the one hand the energies of my own countrymen, and on the other has won the sympathy of our British fellow-subjects and the support of our rulers, so that when the few years I may still be spared are over, and when I shall be no longer amongst you, the College will still prosper and succeed in educating my countrymen to have the same affection for their country, the same feelings of loyalty for the British rule, the same appreciation of its blessing, the same sincerity of friendship with our British fellow-subjects as have been the ruling feelings of my life.

Sir Syed's Influence

"Aligarh has won its laurels. Its students have gone forth to fight the battle of life, strong in the tenets of their own religion, strong in the precepts of loyalty and patriotism, and now when there is much that is critical in the political future of India the inspiration of Sir Syed Ahmed Khan and the teachings of Aligarh shine forth brilliantly in the period of Mohammedan history, in the loyalty, commonsense and sound reasoning so eloquently expressed in your address. But, gentlemen, you go on to tell me that since as your belief is in the justice and fair dealings of your rulers, you cannot but be aware that recent events have stirred up feelings amongst the younger generations of Mohammedans which might pass beyond the control of temperate counsel and sober guidance.

Policy in Eastern Bengal

"Now I have no intention of entering into any discussion upon the affairs of Eastern Bengal and Assam, yet I hope that without offence to anyone I may thank the Mohammedan community of the new Province for the moderation and self-restraint they have shown under conditions which were new to them, and as to which there has

been inevitably much misunderstanding and that I may at the same time sympathise with all that is sincere in Bengalee sentiments. But above all what I would ask you to believe is that the course the Viceroy and the Government of India have pursued in connection with the affairs of the new province, the future of which is now I hope assured, has been dictated solely by a regard for what has appeared best for its present and future populations as a whole, irrespective of race or creed, and that the Mohammedan community of Eastern Bengal and Assam can rely as firmly as ever on British justice and fair play for the appreciation of its loyalty and the safeguarding of its interests.

THE UNREST IN INDIA

You have addressed me, gentlemen, at a time when the political atmosphere is full of change. We all feel it would be foolish to attempt to deny its existence, hopes and ambitions new to India are making themselves felt. We cannot ignore them.....We should be wrong to wish to do so.....but to what is all this unrest due ? Not to the discontent of misgoverned millions..... I defy anyone honestly to assert that..... Not to say uprising of a disaffected people.

FRUITS OF WESTERN EDUCATION

It is due to that educational growth in which only a very small portion of the population has as yet shared, of which British rule first sowed the seed and the fruits of which British rule is now doing its best to foster and to direct. There may be many tares in the harvest we are now reaping. The Western grain which we have sown may not be entirely suitable to the requirements of the people of India but the educational harvest will increase as years go on, and the healthiness of the nourishment it gives will depend on the careful administration and distribution of its products. You need not ask my pardon, gentlemen, for telling me that Representative institutions of the European type are entirely new to the people of India or that their introduction here requires the most earnest thought and care. I should be very far from welcoming all the political machinery of the Western world amongst the hereditary instincts and traditions of Eastern races. Western breadth of thought the teachings of Western civilisation, the freedom of British Individuality can do much for the people of India. But I recognise with you that they must not carry with them an impractiacble insistense of the acceptance of political methods.

POLITICAL FUTURE OF MOHAMMEDANS

Now, gentlemen, I come to your own position in respect to the political future ; the position of the Mohammedan community for whom you speak. You will, I feel sure, recognise that it is impossible for me to follow you through any detailed consideration of the conditions and the share that the community has a right to claim in the administration of public affairs. I can at present only deal with generalities. The points which you have raised, are before the committee, which, as you know, I have lately appointed to consider the question of representation, and I will take care that your address is submitted to them, but at the same time I hope I may be able to reply to the general tenor of your remarks without in any way forestalling the committee's report.

THE QUESTION OF REPRESENTATION

The pith of your address, as I understand it, is a claim that in any system of representation whether it affects a Municipality, a District Board or a Legislative Council, in which it is proposed to introduce or increase an electoral organisation, the Mohammedan community should be represented as a community. You point out that in many cases electoral bodies, as now constituted, cannot be expected to return a Mohammedan candidate, and that if by chance they did so it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his own community whom he would in no way represent, and you justly claim that your numercial strength both in respect to the political importance and the service it has rendered to the Empire entitle you to consideration. I am entirely in accord with you ; please do not misunderstand me. I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent. The great mass of the people of India have no knowledge of representative institutions. I agree with you, gentlemen, that the initial rungs in the ladder of self-government are to be found in the Municipal and District Boards and that it is in that direction that we must look for the gradual political education of the people.

AN ASSURANCE

In the meantime I can only say to you that the Mohammedan community may rest assured that their political rights and interests

as a community will be safeguarded in any administrative reorganization with which I am concerned and that you and the people of India may rely upon the British Raj to respect, as it has been its pride to do, the religious beliefs and the national traditions of the myriads composing the population of His Majesty's Indian Empire.

Your Highness and Gentlemen, I sincerely thank you for the unique opportunity your deputation has given me of meeting so many distinguished and representative Mohammedans. I deeply appreciate the energy and interest in public affairs which have brought you here from great distances, and I only regret that your visit to Simla is necessarily so short.''

ORIGIN OF SEPARATE ELECTORATE*

(LADY MINTO'S JOURNAL, OCTOBER, 1906)

''[It is difficult to accept Prof. Coupland's statement, ''...there is no evidence to suggest that the deputation (of 1906) was in any sense engineered.''** On May 28, 1906, Lord Minto wrote to Lord Morley, ''As to Congress...there is much that is absolutely disloyal in the movement and that there is danger for the future I have no doubt...I have been thinking a good deal lately of a possible counterpoise to Congress aims.''*** On August 10, 1906, Mr. Archbold, Principal of Aligarh College, wrote to Nawab Mohsin-ul-Mulk, Secretary, Aligarh College, ''Colonel Dunlop Smith, Private Secretary of His Excellency the Viceroy, informs me that His Excellency is agreeable to receive the Muslim deputation. He advises that a formal letter requesting a permission to wait on His Excellency be sent to him. In this connection I would like to make a few suggestions. The formal letter should be sent with the signatures of some representative Mussalmans. The deputation should consist of the representatives of all the Provinces. The third point to be considered is the text of the address. I would here suggest that we begin with a solemn expression of loyalty. The Government decision to take a step in the direction of self-government should be appreciated. But our apprehension should be expressed that the principle of election, if introduced, would prove detrimental to the interest of the Muslim minority. It should respectfully be suggested that nomination or representation by religion be introduced to meet

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*See Countess of Minto, *India, Minto and Morley*, pp. 45-48.

**See Coupland, *The Constitutional Problem in India*, Part I, Chapter III.

****India, Minto and Morley*, pp. 28-29.

Quoted from A.C. Banerjee's *Indian Constitutional Documents*, 1757-1939. Vol. II, pp. 205-210.

Muslim opinion...But in all these views I must be in the background. They must come from you...I can prepare for you the draft of the address or revise it. If it is prepared in Bombay I can go through it, as you are aware I know how to phrase these things in proper language. Please remember that if we want to organise a powerful movement in the short time at our disposal, we must expedite matters." In his Presidential Address at Cocanada Congress (1923) Maulana Muhammad Ali rightly characterised this deputation as a "command performance." Maulana Shibli observed in the *Muslim Gazette* of Lucknow, "The object of the Simla deputation was, and it was frankly expressed, to get a share for the Muslims in the political rights obtained by the Hindus...Day and night its (Muslim League's) constant refrain is that the Muslims are oppressed by the Hindus and so they must be given safeguards. We do not underestimate the importance of the Simla deputation. It was the biggest show staged on the communal platform."

The All-India Muslim League was formed on December 30, 1906, exactly 90 days after the Viceroy's reception of the Simla deputation. The objects of the League were defined as follows :

"(*a*) To promote among the Mussalmans of India feelings of loyalty to the British Government and to remove any misconception that may arise as to the intention of the Government with regard to any of its measures.

(*b*) To protect and advance the political rights and interests of the Mussalmans of India and to respectfully represent their needs and aspirations to the Government.

(*c*) To prevent the rise, among the Mussalmans of India, of any feeling of hostility towards other communities without prejudice to the other afore-mentioned objects of the League."]

This has been a very eventful day ; as someone said to me, "an epoch in Indian history." We are aware of the feeling of unrest that exists throughout India, and the dissatisfaction that prevails amongst people of all classes and creeds. The Mohammedan population, which numbers sixty-two millions, who have always been intensely loyal, resent not having proper representation, and consider themselves slighted in many ways, preference having been given to the Hindus. The agitators have been most anxious to foster this feeling and have naturally done their utmost to secure the co-operation of this vast community. The younger generation were wavering, inclined to throw in their lot with the advanced

agitators of the Congress, and a howl went up that the loyal Mohammedans were not to be supported, and that the agitators were to obtain their demands through agitation. The Mohammedans decided, before taking action, that they would bring an Address before the Viceroy, mentioning their grievances.

The meeting was fixed for to-day, and about seventy delegates from all parts of India arrived.

The Aga Khan is the spiritual head of the Khoja Moslem community. He claims to be descended from Ali and is their Ruler by divine right, but without a territory. This Prince was elected to read the very long but excellent Address stating all their grievances and aspirations. Minto then read his answer, which he had thought out most carefully. It was impossible to promise them too much for fear of offending other communities, but as he spoke, in very clear distinct tones, murmurs of satisfaction passed through the audience :

"To the document with which you have presented me are attached the signatures of nobles, ministers of various states, great landowners, lawyers, merchants, and of many others of His Majesty's Mohammedan subjects . . . . I am grateful to you for the opportunity you are affording me of expressing my appreciation of the just aims of the followers of Islam and their determination to share in the political history of our Empire.

As your Viceroy I am proud of the recognition you express of the benefits conferred by British rule on the diverse races of many creeds who go to form the population of this huge continent. You yourselves, the descendants of a conquering and ruling race, have told me to-day of your gratitude for the personal freedom, the liberty of worship, the general peace, and the hopeful future which British administration has secured for India. . . .

But you go on to tell me that sincere as your belief is in the justice and fair dealing of your rulers, and unwilling as you are to embarrass them at the present moment, you cannot but be aware that 'recent events' have stirred up feelings amongst the younger generation of Mohammedans which might "pass beyond the control of temperate counsel and sober guidance."

You have addressed me, gentlemen, at a time when the political atmosphere is full of change. We all feel it. It would be foolish to attempt to deny its existence. Hopes and ambitions new to India are making themselves felt ; we cannot ignore them. We should be wrong to wish to do so. But to what is all this unrest due ? Not to the discontent of misgoverned millions. I defy anyone

honestly to assert that : not to any uprising of a disaffected people : it is due to that educational growth in which only a very small portion of the population has as yet shared, of which British rule first sowed the seed, and the fruits of which British rule is now doing its best to foster and to direct.....

You need not ask my pardon for telling me that "representative institutions of the European type are entirely new to the people of India", or that their introduction here requires the most earnest thought and care. I should be very far from welcoming all the political machinery of the Western world among the hereditary traditions and instincts of Eastern races.....

And now, gentlemen, I come to your own position in respect to the political future ; the position of the Mohammedan community for whom you speak.....

Your address, as I understand it, is a claim that, in any system of representation, whether it affects a Muncipality, a District Board, or a Legislative Council, in which it is proposed to introduce or increase an electoral organization, the Mohammedan community should be represented as a community. You point out that in many cases electoral bodies, as now constituted, cannot be expected to return a Mohammedan candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his own community, whom he would in no way represent, and you justly claim that your position should be estimated not merely on your numerical strength but in respect to the political importance of your community and the service it has rendered to the Empire.

I am entirely in accord with you. Please do not misunderstand me ; I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement, regardless of the beliefs and traditions of the communities composing the population of this continent. The great mass of the people of India have no knowledge of representative institutions.

I agree with you, gentlemen, that the initial rungs in the ladder of self-government are to be found in the Municipal and District Boards.....

In the meantime I can only say to you that the Mohammedan community may rest assured that their political rights and interests as a community will be safegaurded by any administrative re-

organization with which I am concerned, and that you, and the people of India, may rely on the British *Raj* to respect, as it has been its pride to do, the religious beliefs and the national traditions of the myriads composing the population of His Majesty's Indian Empire....."

In the afternoon a tea-party was given for the Deputation in the garden of Viceregal Lodge, which was also attended by Members of Council. We talked to many of the Delegates, as most of them speak English, and it was touching to hear their appreciation of the sympathy and understanding shown them.....

This evening I have received the following letter from an official :

"I must send Your Excellency a line to say that a very, very big thing has happened to-day. A work of statesmanship that will affect India and Indian history for many a long year. It is nothing less than the pulling back of sixty-two millions of people from joining the ranks of the seditious opposition."

Very much the same view was taken at Whitehall. Mr. Morley, after receiving an account of the proceedings, wrote :

Morley to Minto Oct. 26. "All that you tell me of your Mohammedans is full of interest, and I only regret that I could not have moved about unseen at your garden party. The whole thing has been as good as it could be, and it stamps your position and personal authority decisively. Among other good effects of your deliverance is this, that it has completely deranged the plans and tacts of the critical faction here, that is to say it has prevented them from any longer representing the Indian Government as the ordinary case of a bureaucracy versus the people. I hope that even my stoutest Radical friends will now see that the problem is not quite so simple as this."

"This Congress strongly deprecates the extension or application of the principle of separate communal electorates to Municipalities, District Boards or other local bodies."

25 : 1910 : Allahabad : XVI.

"In view of the distrbances that have occurred from time to time in this country on occasions of religious celebrations, this Congress urges the Government to form Conciliation Boards at places where disturbances are apprehended and to take timely and adequate measures for the prevention of such disturbances."

25 : 1910 : Allahabad : XVII.

"That this Congress strongly deprecates the extension of the principle of separate communal electorates to Municipalities, District Boards or other local bodies."

26 : 1911 : Calcutta ; XIV.

"This Congress strongly deprecates the extension of the principle of separate communal electorates to Municipalities, District Boards or other local bodies." *27 : 1912 : Bankipur : XII.*

THE CONGRESS-LEAGUE SCHEME,* 1916.

I. Provincial Legislative Councils

1. Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members.

2. Their strength shall be not less than one hundred and twenty-five members in the Major Provinces, and from fifty to seventy-five in the Minor Provinces.

3. The members of Councils should be elected directly by the people on as broad a franchise as possible.

4. Adequate provision should be made for the representation of important minorities by election, and that the Mohammedans should be represented through special electorates on the Provincial Legislative Council.

Punjab	—	One-half of elected	Indian members.
United Provinces	—	30 per cent. ,,	,,
Bengal	—	40 per cent. ,,	,,
Behar	—	25 per cent. ,,	,,
Central Provinces	—	15 per cent. ,,	,,
Madras	—	15 per cent. ,,	,,
Bombay	—	One-third of elected	Indian members.

Provided that Mohammedans shall not participate in any of the other elections to the Legislative Councils.

Provided further that no Bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.

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* Quoted from A.C. Banerjee's *Indian Constitutional Documents*, 1757-1939, Vol. II, pp. 289—295.

[This scheme of Reforms was passed at the 31st Session of the Indian National Congress held at Lucknow on December 29, 1916, and adopted by the All-India Muslim League on December 31, 1916. Mr. Montagu's criticism of this scheme is as follows : "It does not attempt to realize responsible Government, but it leaves an irremovable executive at the mercy of a legislature which can paralyse it but not direct it. I do not believe that this House will ever agree to set up a constitution in India which will leave an executive, that is not removable, at the mercy of a legislature which cannot control it." (Speech in House of Commons, June 5, 1919)].

5. The head of the Provincial Government should not be the President of the Legislative Council, but the Council should have the right of electing its President.

6. The right of asking supplementary questions should not be restricted to the member putting the original question but should be allowed to be exercised by any other member.

7. (*a*) Except customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be provincial.

(*b*) There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(*c*) The Provincial Council should have full authority to deal with all matters affecting the internal administration of the province, including the power to raise loans, to impose and alter taxation and to vote on the Budget. All items of expenditure and all proposals concerning ways and means for raising the necessary revenue should be embodied in Bills and submitted to the Provincial Council for adoption.

(*d*) Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion in accordance with rules made in that behalf by the Council itself.

(*e*) A resolution passed by the Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor-in-Council, provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(*f*) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance if supported by not less than one-eighth of the members present.

8. Any special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

9. A Bill, other than a Money Bill, may be introduced in Council in accordance with the rules made in that behalf by the Council itself, and the consent of the Government should not be required therefor.

10. All Bills passed by Provincial Legislatures shall have to receive the assent of the Governor before they become law, but may be vetoed by the Governor-General.

11. The term of office of the members shall be five years.

II. Provincial Governments

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent Services.

2. There shall be in every Province an Executive Council which, with the Governor, shall constitute the Executive Government of the Province.

3. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

4. Not less than one-half of the members of Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council.

5. The term of office of the members shall be five years.

III. Imperial Legislative Council

1. The strength of the Imperial Legislative Council shall be one hundred and fifty.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the Mohammedan electorates, and the elected members of the Provincial Legislative Councils should also form an electorate for the return of members to the Imperial Legislative Council.

4. The President of the Council shall be elected by the Council itself.

5. The right of asking supplementary questions shall not be restricted to the member putting the original question but should be allowed to be exercised by any other member.

6. Any special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

7. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

8. All Bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

9. All financial proposals relating to sources of income and items of expenditure shall be embodied in Bills. Every such Bill

and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

10. The term of office of members shall be five years.

11. The matters mentioned hereinbelow shall be exclusively under the control of the Imperial Legislative Council :

(*a*) Matters in regard to which uniform legislation for the whole of India is desirable.

(*b*) Provincial legislation in so far as it may affect inter-provincial fiscal relations.

(*c*) Questions affecting purely Imperial revenue, excepting tributes from Indian States.

(*d*) Questions affecting purely Imperial expenditure, except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General-in-Council in respect of military charges for the defence of the country.

(*e*) The right of revising Indian tariffs and customs-duties, of imposing, altering or removing any tax or cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

(*f*) Resolutions on all matters relating to the administration of the country as a whole.

12. A resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor-General-in-Council : provided, however, that, if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

13. A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

14. The Crown may exercise its power of veto in regard to a Bill passed by a Provincial Legislative Council, or by the Imperial Legislative Council, within twelve months from the date on which it is passed, and the Bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

15. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties.

IV. The Government of India

1. The Governor-General of India will be the head of the Government of India.

2. He will have an Executive Council, half of whom shall be Indians.

3. The Indian members should be elected by the elected members of the Imperial Legislative Council.

4. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

5. The power of making all appointments in the Imperial Civil Service shall vest in the Government of India as constituted under this scheme, and subject to any laws that may be made by the Imperial Legislative Council.

6. The Government of India shall not ordinarily interfere in the local affairs of a province, and powers not specifically given to a Provincial Government shall be deemed to be vested in the former. The authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments.

7. In legislative and administrative matters, the Government of India, as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

8. A system of independent audit of the accounts of the Government of India should be instituted.

V. The Secretary of State in Council

1. The Council of the Secretary of State for India should be abolished.

2. The salary of the Secretary of State should be placed on the British Estimates.

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India as the Secretary of State for the Colonies in relation to the Governments of the self-governing Dominions.

4. The Secretary of State for India should be assisted by two permanent Under-Secretaries, one of whom should always be an Indian.

VI. Military and other matters of policy

1. The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India.

2. Indians should be allowed to enlist as volunteers.

3. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

4. The Executive Officers in India shall have no judicial powers entrusted to them, and the judiciary in every province shall be placed under the highest Court of that province."

MONTFORD REPORT ON CONGRESS-LEAGUE SCHEME*

".....the essence of the project is an executive, theoretically responsible to the Secretary of State but practically divided, a legislature responsible to the electorate, and a distribution of power which enables the legislature to paralyse the executive without having power to remove it. Our first observation is that in our view such a plan postulates the existence of a competent electorate, and an assembly which will be truly representative of the people... while we believe that both a sound electoral system and truly representative assemblies will be evolved in time, we cannot assent to proposals which could only be justified on the assumption that such institutions are immediately forthcoming.

Our second criticism, which is decisive with us, is that the Congress-League scheme starts with a wrong conception. It is unsound that the legislature and the executive should derive their power from, and be responsible to, different authorities ...If the executive attempted to overcome the legislature there would be conflict and agitation : if it gave way then it would become merely the agent of the legislature and might as well be chosen from, and by, the legislature at once. But for a deadlock the Congress-League scheme provides no solution, such as there would be in England, by means of a change of Government. If responsible government cannot be conceded at once, as indeed the scheme implies, and if some measure of responsibility is yet to be given, then means must be found of dividing the sphere of administration into two portions, and for each of these there must be a part of the executive which can, in the last resort, secure its way from a legislative organ which is in harmony with it : and there must also be means of securing that both halves of the machine work together.

It has been put to us that though the system is not an ideal one it may serve as well as any other for the transitional stage

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*For detailed criticism of the Scheme see *Montagu-Chelmsford Report*, Paragraphs 159-172.

Quoted from A. C. Banerjee's *Indian Constitutional Documents*, 1757-1939. Vol. II, p. 296-298.

before the introduction of a complete system of responsible government. We cannot subscribe to this view. Because the system is one of negative power, without responsibility, it affords the worst possible education for responsible government. That it would not train political leaders in the practical experience of administration is a sufficiently grave defect. But what is far more serious is that the scheme makes no provision for an even greater need, the training of the people in the exercise of electoral responsibility. So long as the Council has no direct responsibility for executing the policy which it advises the faculty of judging and choosing between different leaders cannot be called into play. The only result must be such increasing bitterness between a powerless, and yet irremovable, executive and the assembly, that when the change did come—and it would come with a crash—it would be made in the most unfavourable circumstances.

Apart from all questions of theory or historical examples we feel persuaded that the project would soon prove unworkable in practice. It proposes to concede to the popular assembly complete power of legislation and complete control of the budget. What will follow ? We may judge from the tendencies displayed by the Morley-Minto Councils.....

.....Let us then try to make it clear why we believe that the Congress-League scheme is bound to fail. First,...the inherent defects of the machine would make it impossible to work at all. But, granted that the Government does its utmost, granted that the Indian politicians have a sincere desire to make the engine work, we still cannot see how they could do so, because success itself would be the negation of their ultimate aim, and ours, which is responsible government. They could not remain content with an alien executive, and therefore their policy naturally, and from their standpoint justifiably, must be to weaken and discredit it. There is evidence indeed that some of the advocates of the scheme are impressed by the force of these arguments ; and look forward to producing a deadlock as a means of bringing the executive under the control of the legislature. We have no desire to produce deadlocks...We believe in the possibility of 'smooth and harmonious progress' pursued in the spirit of mutual goodwill and devotion to common interests..."

The Congress deplores the Hindu-Muslim tension and the riots that have taken place in various parts of India. The Congress deplores the riots that recently took place in Kohat resulting in loss of life and destruction of property including temples and gurdwaras and is of opinion that the local authority failed to perform the primary duty of protection of life and property. The Congress

further deplores the enforced exodus of the Hindu population from Kohat and strongly urges the Mussalmans of Kohat to ensure their Hindu brethren of full protection of their lives and property and to invite them to return as their honoured friends and neighbours. The Congress advises the refugees not to return to Kohat except upon an honourable invitation from the Kohat Mussalmans and upon the advice of Hindu and Mussalman leaders. The Congress advises the public whether Hindu or Mussalman not to accept the finding of the Government of India as also of others on the Kohat tragedy, and to suspend judgment till the Board appointed by the Unity Conference or some other equally representative body has enquired into the unfortunate event and come to a decision upon it.

The Congress expresses its heart-felt sympathy for the sufferers in the Gulbarga riots and condemns the desecration committed on the places of worship in that town."

39 : 1924 : Belgaum : VI.

"This Congress calls upon the Working Committee to take immediate steps in consultation with Hindu and Mussalman leaders to devise measures for the removal of the present deplorable differences between Hindus and Mussalmans and submit their report to the All-India Congress Committee not later than the 31st March, 1927.

And this Congress authorises the All-India Congress Committee to issue necessary instructions in that behalf to all Congressmen in the country and take such other steps as it may deem fit after a consideration of the said report."

41 : 1926 : Gauhati : IX.

THE COMMUNAL TANGLE*

*Resolutions of the Indian National Congress on the Political, Religious and other Rights of Minorities, 28 December, 1927***

PART A. (*Political Rights*)

This Congress resolves :

1. That in any future scheme of Constitution, so far as representation in the various Legislatures is concerned, joint electorates in all the Provinces and in the Central Legislature be constituted.

2. That, with a view to give full assurances to the two great communities that their legitimate interests will be safeguarded in the Legislatures such representation of the communities should be secured

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*Quoted from Sir Mauris Gwyer and A. Appadorai's *Speeches and Documents* on the Indian Constitution 1921-47. Vol. I, pp. 241-268.

**Resolutions passed on 28 December 1927 by the Indian National Congress at its 42nd Session held in Madras.—*The Indian National Congress, Resolutions* (All-India Congress Committee, Madras, 1928), pp. 7-10.

for the present, and if desired, by the reservation of seats in joint electorates on the basis of population in every Province and in the Central Legislature :

Provided that reciprocal concessions in favour of Minorities may be made by mutual agreement so as to give them representation in excess of the proportion of the number of seats to which they would be entitled on the population basis in any Province or Provinces, and the proportions so agreed upon for the Provinces shall be maintained in the representation of the two communities in the Central Legislature from the Provinces.

In the decision of the reservation of seats for the Punjab, the question of the representation of Sikhs as an important Minority will be given full consideration.

3. (*a*) That the proposal made by the Muslim leaders that reforms should be introduced in North-West Frontier Province and British Baluchistan on the same footing as in other Provinces is, in the opinion of the Congress, a fair and reasonable one and should be given effect to, care being taken that simultaneously with other measures of administrative reform an adequate system of judicial administration shall be introduced in the said Provinces.

(*b*) (*i*) That with regard to the proposal that Sind should be constituted into a separate Province, this Congress is of opinion that the time has come for the redistribution of Provinces on linguistic basis—a principle that has been adopted in the Constitution of the Congress.

(*ii*) This Congress is also of opinion that such readjustment of Provinces be immediately taken in hand and that any Province which demands such reconstitution on linguistic basis be dealt with accordingly.

(*iii*) This Congress is further of opinion that a beginning may be made by constituting Andhra, Utkal, Sind and Karnatak into separate Provinces.

4. That, in the future Constitution, liberty of conscience shall be guaranteed and no Legislature, Central or Provincial, shall have power to make any laws interfering with liberty of conscience.

'Liberty of Conscience' means liberty of belief and worship, freedom of religious observances and association and freedom to carry on religious education and propaganda with due regard to the feelings of others and without interfering with similar rights of others.

5. That no Bill, Resolution, Motion or Amendment regarding inter-communal matters shall be moved, discussed or passed in any

Legislature, Central or Provincial, if a three-fourth majority of the Members of either community affected thereby in that Legislature oppose the introduction, discussion or passing of such Bill, Resolution, Motion or Amendment.

'Inter-communal matters' means matters agreed upon as such by a Joint Standing Committee of both communities—of the Hindu and Moslem members of the Legislature concerned, appointed at the commencement of every session of the Legislature.

This Congress resolves that :

1. Without prejudice to the rights that the Hindus and Mussalmans claim, the one to play music and conduct processions wherever they please and the other to slaughter cows for sacrifice or food wherever they please, the Mussalmans appeal to the Mussalmans to spare Hindu feelings as much as possible in the matter of the cow and the Hindus appeal to the Hindus to spare Mussalman feelings as much as possible in the matter of music before mosques.

And therefore this Congress calls upon both the Hindus and Mussalmans not to have recourse to violence or to law to prevent the slaughter of a cow or the playing of music before a mosque.

2. This Congress further resolves that every individual or group is at liberty to convert or reconvert another by argument or persuasion but no individual or group shall attempt to do so, or prevent its being done, by force, fraud or other unfair means such as the offering of material inducement. Persons under eighteen years of age should not be converted unless it be along with their parents or guardians. If any person under eighteen years of age is found stranded without his parents or guardian by persons of another faith he should be promptly handed over to persons of his own faith. There must be no secrecy as to the person, place, time and manner about any conversion, or reconversion nor should there be any demonstration of jubilation in support of any conversion or reconversion.

Whenever any complaint is made in respect of any conversion or reconversion, that it was effected in secrecy or by force, fraud or other unfair means or whenever any person under eighteen years of age is converted, the matter shall be inquired into and decided by arbitrators who shall be appointed by the Working Committee either by name or under general regulations.

*Nehru Committee Proposals regarding Communal Representation as amended and adopted by the All-Parties National Convention, 22 December 1928 to 1 January 1929**

There shall be joint mixed electorates throughout India for the House of Representatives and the Provincial Legislatures.

There shall be no reservation of seats for the House of Representatives except for Muslims in Provinces where they are in a minority and non-Muslims in the North-West Frontier Province. Such reservation will be in strict proportion to the non-Muslim population in every Province where they are in a minority and in proportion to the non-Muslim population in the North-West Frontier Province. The Muslims or non-Muslims where reservation is allowed to them shall have the right to contest additional seats.

In the Provinces, (*a*) there shall be no reservation of seats for any community in the Punjab and Bengal ; *Provided that the franchise is based on adult suffrage ;* Provided *further* that the question of communal representation will be open for reconsideration if so desired by any community after working the recommended system for 10 years ; (*b*) in Provinces other than the Punjab and Bengal there will be reservation of seats for Muslim minorities on population basis with the right to contest additional seats ; (*c*) in the North-West Frontier Province there shall be similar reservation of seats for non-Muslims with the right to contest other seats.

Reservation of seats, where allowed, shall be for a fixed period of 10 years ; provided that the question will be open for reconsideration after the expiration of that period if so desired by any community.

*Resolution of the All-India Muslim Conference, 1 January 1929***

Whereas, in view of India's vast extent and its ethnological, linguistic, administrative and geographical or territorial divisions, the only form of government suitable to Indian conditions is a federal system with complete autonomy and residuary powers vested in the constituent States, the Central Government having control only of such matters of common interest as may be specifically entrusted to it by the Constitution ;

And whereas it is essential that no Bill, resolution, motion or amendment regarding inter-communal matters be moved, discussed or passed by any Legislature, Central or Provincial, if a

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* *The Proceedings of the All-Parties National Convention* (All-Parties National Convention, Allahabad) pp. 27-8.

** *Indian Statutory Commission Report*, 1930, vol. II, pp. 84-5.

three-fourth majority of the members of either the Hindu or the Muslim community affected thereby in that Legislature oppose the introduction, discussion or passing of such Bill, resolution, motion or amendment ;

And whereas the right of Moslems to elect their representatives on the various Indian Legislatures through separate electorates is now the law of the land and Muslims cannot be deprived of that right without their consent ;

And whereas in the conditions existing at present in India and so long as those conditions continue to exist, representation in various Legislatures and other statutory self-governing bodies of the Muslims through their own separate electorates is essential in order to bring into existence a really representative democratic Government;

And whereas as long as Mussalmans are not satisfied that their rights and interests are adequately safeguarded in the Constitution, they will in no way consent to the establishment of joint electorates whether with or without conditions ;

And whereas, for the purposes aforesaid, it is essential that Mussalmans should have their due share in the Central and Provincial Cabinets ;

And whereas it is essential that representation of Mussalmans in the various Legislatures and other statutory self-governing bodies should be based on a plan whereby the Muslim majority in those Provinces where Mussalmans constitnte a majority of population shall in no way be affected and in the Provinces in which Mussalmans constitute a minority they shall have a representation in no case less than that enjoyed by them under the existing law ;

And whereas representative Muslim gatherings in all Provinces in India have unanimously resolved that with a view to provide adequate safeguards for the protection of Muslim interests in India as a whole, Mussalmans should have the right of 33 per cent representation in the Central Legislature and this Conference entirely endorses that demand ;

And whereas on ethnological, linguistic, geographical and administrative grounds the Province of Sind has no affinity whatever with the rest of the Bombay Presidency and its unconditional constitution into a separate Province, possessing its own separate legislative and administrative machinery on the same lines as in other Provinces of India is essential in the interests of its people, the Hindu minority in Sind being given adequate and effective representation in excess of their proportion in the population, as may be given to Mussalmans in Provinces in which they constitute a minority of population ;

And whereas the introduction of constitutional reforms in the North-West Frontier Province and Baluchistan along such lines as may be adopted in other Provinces of India is essential not only in the interests of those Provinces but also of the constitutional advance of India as a whole, the Hindu minorities in those Provinces being given adequate and effective representation in excess of their proportion in population, as is given to the Muslim community in Provinces in which it constitutes a minority of the population ;

And whereas it is essential in the interests of Indian administration that provision should be made in the Constitution giving Muslims their adequate share along with other Indians in all Services of the State and on all statutory self-governing bodies, having due regard to the requirements of efficiency ;

And whereas, having regard to the political conditions obtaining in India it is essential that the Indian Constitution should embody adequate safeguards for protection and promotion of Muslim education, languages, religion, personal law and Muslim charitable institutions, and for their due share in grants-in-aid ;

And whereas it is essential that the Constitution should provide that no change in the Indian Constitution shall, after its inauguration, be made by the Central Legislature except with the concurrence of all the States constituting the Indian Federation ;

This Conference emphatically declares that no Constitution, by whomsoever proposed or devised, will be acceptable to Indian Mussalmans unless it conforms with the principles embodied in this resolution.

*Mr. Jinnah's Fourteen Po'nts, 28 March, 1929**

Whereas the basic idea on which the All-Parties Conference was called in being and a Convention summoned at Calcutta during Christmas Week 1928 was that a scheme of reforms should be formulated and accepted and ratified by the foremost political organisations in the country as a National Pact ; and whereas the Report was adopted by the Indian National Congress only constitutionally for the one year ending 31st December 1929, and in the event of the British Parliament not accepting it within the time limit, the Congress stands committed to the policy and Programme of Complete Independence by resort to civil disobedience and non-payment of taxes ; and whereas the attitude taken up by the Hindu Maha Sabha from the commencement through their representatives at the Con-

*Text of a resolution which Mr. Jinnah intended to move at the meeting of the All-India Muslim League on 28 March, 1929.—*The Indian Annual Register* (1929), vol. I, pp. 364-5.

vention was nothing short of an ultimatum, that if a single word in the Nehru Report in respect of the communal settlement was changed they would immediately withdraw their support to it ; and whereas the National Liberal Federation delegates at the Convention took up an attitude of benevolent neutrality, and subsequently in their open session at Allahabad, adopted a non-committal policy with regard to the Hindu-Muslim differences ; and whereas the non-Brahmin and Depressed Classes are entirely opposed to it ; and whereas the reasonable and moderate proposals put forward by the delegates of the All-India Muslim League at the Convention in modification were not accepted, the Muslim League is unable to accept the Nehru Report.

The League after anxious and careful consideration most earnestly and emphatically lays down that no scheme for the future constitution of the Government of India will be acceptable to Mussalmans of India until and unless the following basic principles are given effect to and provisions are embodied therein to safeguard their rights and interests :

(1) The form of the future Constitution should be federal with the residuary powers vested in the Provinces.

(2) A uniform measure of autonomy shall be granted to all Provinces.

(3) All Legislatures in the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of Minorities in every Province without reducing the majority in any Province to a minority or even equality.

(4) In the Central Legislature, Mussalman representation shall not be less than one-third.

(5) Representation of communal groups shall continue to be by means of separate electorates as at present : provided it shall be open to any community, at any time, to abandon its separate electorate in favour of joint electorate.

(6) Any territorial redistribution that might at any time be necessary shall not in any way affect the Muslim majority in the Punjab, Bengal and the North-West Frontier Province.

(7) Full religious liberty, *i.e.* liberty of belief, worship and observance, propaganda, association and education, shall be guaranteed to all communities.

(8) No Bill or resolution or any part thereof shall be passed in any Legislature or any other elected body if three-fouths of the

members of any community in that particular body oppose such a Bill, resolution or part thereof on the ground that it would be injurious to the interests of that community or in the alternative, such other method is devised as may be found feasible and practicable to deal with such cases.

(9) Sind should be separated from the Bombay Presidency.

(10) Reforms should be introduced in the North-West Frontier Province and Baluchistan on the same footing as in other Provinces.

(11) Provision should be made in the Constitution giving Muslims an adequate share, along with the other Indians, in all the Services of the State and in local self-governing bodies having due regard to the requirements of efficiency.

(12) The Constitution should embody adequate safeguards for the protection of Muslim culture and for the protection and promotion of Muslim education, language, religion, personal laws and Muslim charitable institutions and for their due share in the grants-in-aid given by the State and by local self-governing bodies.

(13) No Cabinet, either Central or Provincial should be formed without there being a proportion of at least one-third Muslim Ministers.

(14) No change shall be made in the Constitution by the Central Legislature except with the concurrence of the States constituting the Indian Federation.

The draft resolution also mentions an alternative to the above provision in the following terms :

That, in the present circumstances, representation of Mussalmans in the different Legislatures of the country and other elected bodies through the separate electorates is inevitable and further, the Government being pledged over and over again not to disturb this franchise so granted to the Muslim community since 1909 till such time as the Mussalmans choose to abandon it, the Mussalmans will not consent to joint electorates unless Sind is actually constituted into a separate Province and reforms in fact are introduced in the North-West Frontier Province and Baluchistan on the same footing as in other Provinces.

Further, it is provided that there shall be reservation of seats according to the Muslim population in the various Provinces ; but where Mussalmans are in a majority they shall not contest more seats than their population warrants.

The question of excess representation of Mussalmans over and above their population in Provinces where they are in a minority is to be considered hereafter.

*The Indian Statutory Commission on the Influence of the Reforms on Communal Rivalry, 27 May 1930**

The question has been raised whether Hindu-Mohammedan tension is aggravated or assuaged by the prevailing system of communal representation, under which Moslem voters form a separate electoral roll and choose their own members (as the Sikhs also do in the Punjab), while non. Mohammedan electors are grouped in distinct constituencies and elect their own representatives. On the one hand it is contended that this separation actually reduces the chances of conflict, as the rival communities are not fighting against one another for the same seats, but each is concerned solely with selection from inside its own body. On the other hand it is argued that such an arrangement tends to encourage the appeal to communal sentiment, instead of developing political associations along the lines of a broader citizenship. There is a long and important history connected witn the separate representation of Mohammedans which needs to be carefully studied before detailed proposals for the future can be discussed or put forward. But we may say at once that in our judgment communal representation cannot be justly regarded as the reason for the communal tension we have been describing, and there is no solid ground for supposing that if communal representation were abolisned communal strife would disappear. The true cause lies deeper and arises from conditions which are far more difficult to change than the mechanics of representation.

In so far as this tension is due to the constitutional situation, it is not to be explained by dwelling upon the operation of electoral arrangements, but is a manifestation of the anxieties and ambitions aroused in both communities by the prospect of India's political future. So long as authority was firmly established in British hands, and self-government was not thought of, Hindu-Moslem rivalry was confined within a narrower field. This was not merely because the presence of a neutral bureaucracy discouraged strife. A further reason was that there was little for members of one community to fear from the predominance of the other. The comparative absence of communal strife in the Indian States today may be similarly explained. Many who are well acquainted with conditions in British India a generation ago would testify that at that epoch so much good feeling had been engendered between the two sides that communal tension as a threat to civil peace was at a minimum. But the coming of the Reforms and the anticipation of what may follow them have given new point to Hindu-Moslem competi-

Indian Statutory Commission Report, 1930, vol. 1, paragraphs 42-3.

tion. A great part of the evidence given before us was on communal lines, and the same cleavage appears in the Reports of the Indian Committees that sat with us. The one community naturally lays claim to the rights of a majority and relies upon its qualifications of better education and greater wealth ; the other is all the more determined on those accounts to secure effective protection for its members and does not forget that it represents the previous conquerors of the country. It wishes to be assured of adequate representation and of a full share of official posts.

Hence has arisen a situation which is of the most urgent importance for the influences which operate on public opinion in India to relieve. But no cure is likely to be found by ascribing false causes to the disease. The true cause, as it seems to us, is the struggle for political power and for the opportunities which political power confers. We are fully alive to the arguments against communal representation, but we cannot think that it is the effective cause of this deplorable friction. At the same time we are no less clearly convinced that separate communal electorates serve to perpetuate political divisions on purely communal lines, and we have every sympathy with those who look forward to the day when a growing sense of common citizenship and a general recognition of the rights of Minorities will make such arrangements unnecessary.

*Resolution of the Indian National Congress on Fundamental Rights as amended by the All-India Congress Committee, 6-8 August 1931**

This Congress is of opinion that to enable the masses to appreciate what 'Swaraj', as conceived by the Congress, will mean to them it is desirable to state the position of the Congress in a manner easily understood by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress, therefore, declares that any Constitution which may be agreed to on its behalf should provide, or enable the Swaraj Government to provide, for the following :

Fundamental Rights and Duties

1. (*i*) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for purposes not opposed to law or morality.

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*The original resolution was passed by the Karachi Session of the Indian National Congress on 29-31 March 1931. The above extract is taken from *The Indian National Congress, Resolution 1930-4*, Allahabad, All India Congress Committee, pp. 119-22.

(*ii*) Every citizen shall enjoy freedom of conscience and the right faeely to profess and practise his religion, subject to public order and morality.

(*iii*) The culture, language and script of the Minorities and of the different linguistic areas shall be protected.

(*iv*) All citizens are equal before the law, irrespective of religion caste, creed or sex.

(*v*) No disability atteches to any citizen, by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(*vi*) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public.

(*vii*) Every citizen has the right to keep and bear arms, in accordance with regulations and reservations made in that behalf.

(*viii*) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered, or confiscated, save in accordance with law.

(*ix*) The State shall observe neutrality in regard to all religions.

(*x*) The franchise shall be on the basis of universal adult suffrage.

(*xi*) The State shall provide for free and co npulsory primary education.

(*xii*) The State shall confer no titles.

(*xiii*) There shall be no capital punishment.

(*xiv*) Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and to follow any trade or calling, and to be treated equally with regard to legal prosecution or protection in all parts of India.

Labour

2. (*a*) The organization of economic life must conform to the principle of justice, to the end that it may secure a decent standard of living.

(*b*) The State shall safeguard the interests of industrial workers and shall secure for them, by suitable legislation and in other ways, a living wage, healthy conditions of work, limited hours of labour, suitable machinery for the settlement of disputes between employers and workmen, and protection against the economic consequences of old age, sickness, and unemployment.

3. Labour to be freed from serfdom and conditions bordering on serfdom.

4. Protection of women workers, and specially adequate provision for leave during maternity period.

5. Children of school-going age shall not be employed in mines and factories.

6. Peasants and workers shall have the right to form unions to protect their interests.

Taxation and Expenditure

7. The system of land tenure and revenue and rent shall be reformed and an equitable adjustment made of the burden on agricultural land, immediately giving relief to the smaller peasantry, by a substantial reduction of agricultural rent and revenue now paid by them, and in case of uneconomic holdings, exempting them from rent so long as necessary, with such relief as may be just and necessary to holders of small estates affected by such exemption or reduction in rent, and to the same end, imposing a graded tax on net incomes from land above a reasonable minimum.

8. Death duties on a graduated scale shall be levied on property above a fixed minimum.

9. There shall be a drastic reduction of military expenditure so as to bring it down to at least one half of the present scale.

10. Expenditure and salaries in civil departments shall be largely reduced. No servant of the State, other than specially employed experts and the like, shall be paid above a certain fixed figure which should not ordinarily exceed Rs. 500 per month.

11. No duty shall be levied on salt manufactured in India.

Economic and Social Programme

12. The State shall protect indigenous cloth ; and for this purpose pursue the policy of exclusion of foreign cloth and foreign yarn from the country and adopt such other measures as may be found necessary. The State shall also protect other indigenous industries, when necessary, against foreign competition.

13. Intoxicating drinks and drugs shall be totally prohibited, except for medicinal purposes.

14. Currency and exchange shall be regulated in the national interest.

15. The State shall own or control key industries and services, mineral resources, railways, waterways, shipping and other means of public transport.

16. Relief and agricultural indebtedness and control of usury, direct and indirect.

17. The State shall provide for the military training of citizens so as to organize a means of national defence apart from the regular military forces.

*The Congress Scheme for a Communal Settlement, 28 October 1931**

However much it may have failed in the realization, the Congress has, from its very inception, set up pure nationalism as its ideal. It has endeavoured to break down communal barriers. The following Lahore resolution was the culminating point in its advance towards nationalism :

> 'In view of the lapse of the Nehru Report it is necessary to declare the policy of the Congress regarding communal questions, the Congress believing that in an independent India communal questions can only be solved on strictly national lines. But as the Sikhs in particular, and the Muslims and the other Minorities in general, have expressed dissatisfaction over the solution of communal questions proposed in the Nehru Report, this Congress assured the Sikhs, the Muslims and other Minorities that no solution thereof in any future Constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned.'

Hence, the Congress is precluded from setting forth any communal solution of the communal problem. But at this critical juncture in the history of the nation, it is felt that the Working Committee should suggest for adoption by the country a solution though communal in appearance, yet as nearly national as possible and generally acceptable to the communitie concerned. The Working Committee, therefore, after full and free discussion, unanimously passed the following scheme :

1. (*a*) The article in the Constitution relating to Fundamental Rights shall include a guarantee to the communities concerned of the protection of their cultures, languages, scripts, education, profession and practice of religion and religious endowments.

(*b*) Personal laws shall be protected by specific provisions to be embodied in the Constitution.

(*c*) Protection of political and other rights of minority communities in the various Provinces shall be the concern, and be within the jurisdiction, of the Federal Government.

*Memorandum circulated by Mahatma Gandhi for consideration by the Committee.—*The Indian Round Table Conference (Second Session), Proceedings of the Minorities Committee,* Appendix I.

2. The franchise shall be extended to all adult men and women.

(NOTE A. The Working Committee is committed to adult franchise by the Karachi resolution of the Congress and cannot entertain any alternative franchise. In view, however, of misapprehensions in some quarters, the Committee wishes to make it clear that in any event the franchise shall be uniform and so extensive as to reflect in the electoral roll the proportion in the population of every cammunity).

3. (*a*) Joint electorates shall form the basis of representation in the future Constitution of India.

(NOTE B. Wherever possible the electoral circles shall be so determined as to enable every community, if it so desires, to secure its proportionate share in the Legislature.)*

(*b*) That for Hindus in Sind, the Muslims in Assam and the Sikhs in the Punjab and the North-West Frontier Province and for Hindus and Muslims in any Province where they are less than 25 per cent of the population, seats shall be reserved in the Federal and Provincial Legislatures on the basis of population with the right to contest additional seats.

4. Appointments shall be made by non-party Public Service Commissions which shall prescribe the minimum qualifications, and which shall have due regard to the efficiency of the Public Service as well as to the principle of equal opportunity to all communities for a fair share in the Public Services of the country.

5. In the formation of Federal and Provincial Cabinets interests of minority communities should be recognized by convention.

6. The North-West Frontier Province and Baluchistan shall have the same form of government and administration as other Provinces.

7. Sind shall be constituted into a separate Province, provided that the people of Sind are prepared to bear the financial burden of the separated Province.

8. The future Constitution of the country shall be federal. The residuary powers shall vest in the federating Units, unless, on further examination, it is found to be against the best interest of India.

The Working Committee has adopted the foregoing scheme as a compromise between the proposals based on undiluted com-

*Note B is not part of the scheme but has been added by me as not being inconsistent with the scheme—M.K.G.

munalism and undiluted nationalism. Whilst on the one hand the Working Committee hopes that the whole Nation will endorse the scheme, on the other, it assures those who take extreme views and cannot adopt it, that the Committee will gladly, as it is bound to by the Lahore resolution, accept without reservation any other scheme, if it commands the acceptance of all the parties concerned.

*Provisions for a Settlement of the Communal Problem, put forward jointly by Muslims, Depressed Classes, Indian Christians, Anglo-Indians and Europeans for Consideration by the Minorities Committee of the Second Session of the Indian Round Table Conference**

1. No person shall by reason of his origin, religion, caste or creed, be prejudiced in any way in regard to public employment, office of power or honour, or with regard to enjoyment of his civic rights and the exercise of any trade or calling.

2. Statutory safeguards shall be incorporated in the Constitution with a view to protect against enactments of the Legislature of discriminatory laws affecting any community.

3. Full religious liberty, that is, full liberty of belief, worship observances, propaganda, associations and education, shall be guaranteed to all communities subject to the maintenance of public order and morality.

No person shall merely by change of faith lose any civic right or privilege, or be subject to any penalty.

4. The right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments with the right to exercise their religion therein.

5. The Constitution shall embody adequate safeguards for the protection of religion, culture and personal law, and the promotion of education, language, charitable institutions of the minority communities and for their due share in grants-in-aid given by the State and by the self-governing bodies.

6. Enjoyment of civic rights by all citizens shall be guaranteed by making any act or omission calculated to prevent full enjoyment an offence punishable by law.

7. In the formation of Cabinets in the Central Government and Provincial Governments, so far as possible, members belonging

*Memorandum circulated by the signatories for consideration by the Minorities Committee.—*The Indian Round Table Conference (Second Session), Proceedings of the Minorities Committee*, Appendix III.

to the Mussalman community and other Minorities of considerable number shall be included by convention.

8. There shall be Statutory Departments under the Central and Provincial Governments to protect minority communities and to promote their welfare.

9. All communities at present enjoying representation in any Legislature through nomination or election shall have representation in all Legislatures through separate electorates and the Minorities shall have not less than the proportion set forth in Annexure but no majority shall be reduced to a minority or even an equality. Provided that after a lapse of ten years it will be open to Muslims in the Punjab and Bengal and any minority communities in any other Provinces to accept joint electorates, or joint electorates with reservation of seats, by the consent of the community concerned. Similarly after the lapse of ten years it will be open to any minority in the Central Legislature to accept joint electorates with or without reservation of seats with the consent of the community concerned.

With regard to the Depressed Classes no change to joint electorates and Reserved seats shall be made until after 20 years' experience of separate electorates and until direct adult suffrage for the community has been established.

10. In every Province and in connexion with the Central Government a Public Service Commission shall be appointed, and the recruitment to the Public Services, except the proportion, if any, reserved to be filled by nomination by the Governor-General and the Governors, shall be made through such Commission in such a way as to secure a fair representation to the various communities consistently with the considerations of efficiency and the possession of the necessary qualifications. Instructions to the Governor-General and the Governors in the Instrument of Instructions with regard to recruitment shall be embodied to give effect to this principle, and for that purpose to review periodically the composition of the Services.

11. If a Bill is passed which, in the opinion of two-thirds of the members of any Legislature representing a particular community, affects their religion or social practice based on religion, or in the case of fundamental rights of the subjects if one-third of the members object, it shall be open to such members to lodge their objection thereto, within a period of one month of the Bill being passed by the House, with the President of the House who shall forward the same to the Governor-General or the Governor, as the case may be,

and he shall thereupon suspend the operation of that Bill for one year, upon the expiry of which period he shall remit the said Bill for further consideration by the Legislature. When such Bill has been further considered by the Legislature and the Legislature concerned has refused to revise or modify the Bill so as to meet the objection thereto, the Governor-General or the Governor, as the case may be, may give or withhold his assent to it in the exercise of his discretion, provided, further, that the validity of such Bill may be challenged in the Supreme Court by any two members of the denomination affected thereby on the grounds that it contravenes one of their fundamental rights.

Special Claims of Mussalmans

A. The North-West Frontier Province shall be constituted a Governor's Province on the same footing as other Provinces with due regard to the necessary requirements for the security of the Frontier.

In the formation of the Provincial Legislature the nominations shall not exceed more than 10 per cent of the whole.

B. Sind shall be separated from the Bombay Presidency and made a Governor's Province similar to and on the same footing as other Provinces in British India.

C. Mussalman representation in the Central Legislature shall be one-third of the total number of the House, and their representation in the Central Legislature shall not be less than the proportion set forth in the Annexure.

Special Claims of the Depressed Classes

A. The Constitution shall declare invalid any custom or usage by which any penalty or disadvantage or disability is imposed upon or any discrimination is made against any subject of the State in regard to the enjoyment of civic rights on account of Untouchability.

B. Generous treatment in the matter of recruitment to Public Service and the opening of enlistment in the Police and Military Service.

C. The Depressed Classes in the Punjab shall have the benefit of the Punjab Land Alienation Act extended to them.

D. Right of Appeal shall lie to the Governor or Governor-General for redress of prejudicial action or neglect of interest by any Executive Authority.

E. The Depressed Classes shall have representation not less than set forth in the Annexure.

Special Claims of the Anglo-Indian Community

A. Generous interpretation of the claims admitted by Sub-committee No. VIII (Services) to the effect that in recognition of the peculiar position of the community special consideration should be given to the claim for public employment, having regard to the maintenance of an adequate standard of living.

B. The right to administer and control its own educational institutions, *i.e.*, European education, subject to the control of the Minister.

Provisions for generous and adequate grants-in-aid and scholarships on the basis of present grants.

C. Jury rights equal to those enjoyed by other communities in India unconditionally of proof of legitimacy and descent and the right of accused persons to claim trial by either a European or an Indian jury.

Special Claims of the European Community

A. Equal rights and privileges to those enjoyed by Indian-born subjects in all industrial and commercial activities.

B. The maintenance of existing rights in regard to procedure of criminal trials, and any measure or Bill to amend, alter, or modify such a procedure cannot be introduced except with the previous consent of the Governor-General.

Agreed by :

HIS HIGHNESS THE AGA KHAN (Muslims)
DR AMBEDKAR (Depressed Classes)
RAO BAHADUR PANNIR SELVAM (Indian Christians)
SIR HENRY GIDNEY (Anglo-Indians)
SIR HUBERT CARR (Europeans)

*Speech by Gandhiji at a meeting of the Minorities Committee, 13 November 1931**

Prime Minister, and fellow delegates it is not without very considerable hesitation and shame that I take part in the discussion on the Minorities question. I have not been able to read, with the care and attention that it deserves, the memorandum sent to the delegates on behalf of certain Minorities and received this morning. Before I offer a few remarks on that memorandum, with your permission and with all the deference and respect that are your due, I would express my dissent from the view that you put before this

**The Indian Round Table Conference (Second Session), Proceedings of the Minorities Committee* (13 November 1931), pp. 1383-5.

Committee, that the inability to solve the communal question was hampering the progress of Constitution-building, and that it was an indispensable condition prior to the building of any such Constitution. I expressed at an early stage of the sittings of this Committee that I did not share that view. The experience that I have since gained has confirmed me in that view and, if you will pardon me for saying so, it was because of the emphasis that was laid last year and repeated this year upon this difficulty, that the different communities were ecouraged to press with all the vehemence at their command their own respective views. It would have been against human nature if they had done otherwise. All of them thought that this was the time to press forward their claims for all they were worth, and I venture to suggest again that this very emphasis has defeated the purpose which I have no doubt it had in view. This is the reason why we have failed to arrive at an agreement. I, therefore, associate myself entirely with the view expressed by Sir Chimanlal Setalvad, that it is not this question which is the fulcrum, it is not this question which is the central fact, but the central fact is the Constitution-building.

I am quite certain that you did not convene this Round Table Conference and bring us all 6,000 miles away from homes and occupations to settle the communal question, but you convened us, you made deliberate declarations that we were invited to come here, to share the process of Constitution-building. You declared that before we went away from your hospitable shores, we should have the certain conviction that we had built up an honourable and a respectable framework for the freedom of India, had that it awaited only the *imprimatur* of the approval of the House of Commons and the House of Lords.

Now, at the present moment, we are face to face with a wholly different situation, namely, that because there is no communal settlement agreed to by us, there is to be no building of the Constitution, and that, as the last resort and as the last touch, you will announce the policy of His Majesty's Government in connexion with the Constitution and all the matters that may arise from it. I cannot help feeling that it would be a sorry ending to a Conference which was brought into being with so much trumpeting and with so much hope excited in the minds and in the breasts of many people.

Coming to this document, I accept the thinks that have been given to me by Sir Hubert Carr. Had it not been for the remarks that I made when I shouldered that burden. and had it not been for my utter failure to bring about a solution, Sir Hubert Carr rightly says he would not have found the very admirable solution that he

has been able, in common with the other Minorities, to present to this Committee for consideration and finally for the consideration and approval of His Majesty's Government.

I will not deprive Sir Hubert Carr and his associates of the feeling of satisfaction that evidently actuates them, but, in my opinion, what they have done is to sit by the carcass, and they have performed the laudable feat of dissecting that carcass.

As representing the predominant political organization in India, I have no hesitation in saying to His Majesty's Government and to those friends who seek to represent the Minorities mentioned again their names, and indeed to the whole world, that this scheme is not one designed to achieve responsible government, though undoubtedly, it is designed to share power with the bureaucracy.

If that is the intention—and it is the intention running through the whole of that document—I wish them well, and Congress is entirely out of it. The Congress will wander, no matter how many years, in the wilderness rather than lend itself to a proposal under which the hardy tree of freedom and responsible government can never grow.

I am astonished that Sir Hubert Carr should tell us that they have evolved a scheme which being designed only for a temporary period, would not damage the cause of nationalism, but at the end of ten years we would all find ourselves hugging one another and throwing ourselves into one another's laps. My political experience teaches me a wholly different lesson. If this responsible government whenever it comes, is to be inaugurated under happy auspices, the nation should not undergo the process of vivisection to which this scheme subjects it ; it is a strain which no national Government can possibly bear.

There is the coping stone to this structure, and I am surprised, Mr. Prime Minister, that you allowed yourself to mention this as if it were an indisputable fact, namely, that the proposals may be taken as being acceptable to well over 115 millions of people, or about 46 per cent of the population of India. You had a striking demonstration of the inaccuracy of this figure. You have had, on behalf of the women, a complete repudiation of special representation, and as they happen to be one-half of the population of India, this 46 per cent is somewhat reduced. But not only that : the Congress may not be a very powerful organization, but I have not hesitated to make the claim, and I am not ashamed to repeat the claim, that the Congress claims to represent 85 per cent or 95 per cent of the population not merely of British India but of the whole of India. Subject to all

the questions that may be raised, I repeat the claim with all the emphasis at my command that the Congress, by right of service, claims to represent that population which is called the agricultural population of India. I would accept the challenge, if the Government were to issue the challenge, that we should have a referendum in India and you would immediately find whether the Congress does not represent them. But I go a step further. At the present moment, if you were to examine the records of the prisons of India, you would find that the Congress represented there, and represents on its register, a very large number of Mussalmans. Several thousand Mussalmans went to jaol last year under the banner of the Congress. The Congress today has several thousand Mussalmans on its register. The Congress has thousands of Untouchables on its register. The Congress has Indian Christians also on its register. I do not know that there is a single community which is not represented on the Congress register. With all deference to the Nawab Saheb of Chhatari, even landlords and even mill-owners and millionaires are represented there. I admit that they are coming to the Congress slowly, cautiously, but the Congress is trying to serve them also. The Congress undoubtedly represents labour. Therefore, this claim that the proposals set forth in this memorandum are acceptable to well over 115,000,000 of people needs to be taken with a very great deal of reservation and caution.

One word more and I shall have done. You have had presented to you and circulated to the members. I hope, the Congress proposal in connexion with the communal problem. I venture to submit that of all the schemes that I have seen it is the most workable scheme, but I may be in error there. I admit that it has not commended itself to the representatives of the communities at this table, but it has commended itself to the representatives of these very classes in India. It is not the creation of one brain, but it is the creation of a Committee on which various important parties were represented.

Therefore you have got on behalf of the Congress that scheme ; but the Congress has also suggested that there should be an impartial arbitration. Through arbitration all over the world people have adjusted their differences, and the Congress is always open to accept any decision of an arbitration court. I have myself ventured to suggest that there might be appointed by the Government a judicial tribunal which would examine this case and give its decision. But if none of these things are acceptable to any of us, and if this is the *sine qua non* of any Constitution-building, then I say it will be much better for us that we should remain without so-called responsible government than that we should accept this claim.

I would like to repeat what I have said before, that, while the Congress will always accept any solution that may be acceptable to the Hindus, the Mohammedans and the Sikhs, Congress will be no party to special reservation or special electorates for any other Minorities The Congress will always endorse clauses or reservations as to fundamental rights and civil liberty. It will be open to everybody to be placed on the voters' roll and to appeal to the common body of the electorates.

In my humble opinion the proposition enunciated by Sir Hubert Carr is the very negation of responsible government, the very negation of nationalism. If he says that if you want a live European on the Legislature then he must be elected by the Europeans themselves, well, heaven help India if India has to have representatives elected by these several, special, cut-up groups. That European will serve India as a whole, and that European only, who commands the approval of the common electorate and not the mere Europeans. This very idea suggests that the responsible government will always have to contend against these interests which will always be in conflict against the national spirit—against this body of 85 per cent of the agricultural population. To me it is an unthinkable thing. If we are going to bring into being responsible government and if we are going to get real freedom, than I venture to suggest that it should be the proud privilege and the duty of every one of these so-called special classes to seek entry into the Legislatures through this open door, through the election and approval of the common body of electorates. You know that Congress is wedded to adult suffrage, and under adult suffrage it will be open to all to be placed on the voters' list. More than that nobody can ask.

One word more as to the so-called Untouchables.

I can understand the claims advanced by other Minorities, but the claims advanced on behalf of the Untouchables, that to me is the 'unkindest cut of all'. It means the perpetual bar sinister. I would not sell the vital interests of the Untouchables even for the sake of winning the freedom of India. I claim myself in my own person to represent the vast mass of the Untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there was a referendum of the Untouchables, their vote, and that I would top the poll. And I would work from one end of India to the other to tell the Untouchables that separate electorates and separate reservation is not the way to remove this bar sinister, which is the shame, not of them, but of orthodox Hinduism.

Let this Committee and let the whole world know that today there is a body of Hindu reformers who are pledged to remove this blot of Untouchability. We do not want on our census Untouchables classified as a separate class. Sikhs may remain as such in perpetuity, so may Mohammedans, so may Europeans. Will Untouchables remain in perpetuity ? I would far rather that Hinduism died than that Untouchability lived. Therefore, with all my regard for Dr. Ambedkar, and for his desire to see the Untouchables uplifted, with all my regard for his ability, I must say in all humility that the great wrong under which he has laboured and perhaps the bitter experiences that he has undergone have for the moment warped his judgment. It hurts me to have to say this, but I would be untrue to the cause of the Untouchables, which is as dear to me as life itself, if I did not say it. I will not bargain away their rights for the kingdom of the whole world. I am speaking with a due sense of responsibility, and I say that it is not a proper claim which is registered by Dr. Ambedkar when he seeks to speak for the whole of the Untouchables of India. It will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever. I do not mind Untouchables, if they so desire, being converted to Islam or Christianity. I should tolerate that, but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages. Those who speak of the political rights of Untouchables do not know their India, do not know how Indian society is today constructed, and therefore I want to say with all the emphasis that I can command that if I was the only person to resist this thing I would resist it with my life.

Statement issued by Mr. Ramsay MacDonald, Prime Minister, at the time of the Publication of the Communal Award, 16 August 1932

Not only as the Prime Minister, but as a friend of India who has for the last two years taken a special interest in the questions of Minorities I feel that I ought to add a word or two of explanation to the extremely important decision on communal representation that the Government are announcing today.

We never wished to intervene in the communal controversies of India. We made that abundantly clear during both the sessions of the Round Table Conference when we strove hard to get Indians to settle this matter themselves. We have realized from the very first that any decision that we may make is likely, to begin with at any rate, to be criticized by every community purely from the point of view of its own complete demands, but we believe that in the end

considerations of Indian needs will prevail and all communities will see that their duty is to co-operate in working the new Constitution which is to give India a new place in the British Commonwealth of Nations.

Settlement subject to Revision by Agreement

Our duty was plain. As the failure of the communities to agree amongst themselves has placed an almost insurmountable obstacle in the way of any constitutional development, it was incumbent upon Government to take action in accordance, therefore, with the pledges that I gave on behalf of the Government at the Round Table Conference in response to repeated appeals from representative Indians and in accordance with the statement to British Parliament and approved by it. Government are today publishing a scheme of representation in Provincial Assemblies that they intend in due course to lay before Parliament unless in the meanwhile the communities themselves agree upon a better plan.

We should be only too glad if, at any stage before the proposed Bill becomes law, the communities can reach an agreement amongst themselves. But guided by the past experience, Government are convinced that no further negotiations will be of any advantage, and they can be no party to them. They will, however, be ready and willing to substitute for their scheme any scheme whether in respect of any one or more of Governor's Provinces or in respect of the whole of British India that is generally agreed and accepted by all the parties affected.

The Case for Separate Electorates

In order to appreciate the Government's decision, it is necessary to remember the actual conditions in which it is being given. For many years past, separate electorates, namely, the grouping of particular categories of voters in territorial constituencies by themselves has been regarded by minority communities as an essential protection for their rights. In each of the recent stages of constitutional development, separate electorates have consequently found a place. However much Government may have preferred a uniform system of joint electorates, they found it impossible to abolish the safeguards to which Minorities still attach vital importance. It would serve no purpose to examine the causes which in the past have led to this state of affairs. I am rather thinking of the future. I want to see the greater and the smaller communities working together in peace and amity so that there will be no further need for a special form of protection. In the meantime, however, Government have to face facts as they are, and must maintain this exceptional form of representation.

The Position of the Depressed Classes

There are two features of the decision to which I must allude. One has to do with the Depressed Classes and the other with the representation of women. Government would be quite unable to justify a scheme which omitted to provide what is really requisite for either.

Our main object in the case of the Depressed Classes has been while securing to them the spokesmen of their own choice in the Legislatures of the Provinces where they are found in large numbers, at the same time to avoid electoral arrangements which would perpetuate their segregation. Consequently, Depressed Class voters will vote in General Hindu constituencies and an elected member in such a constituency will be influenced by his responsibility to this section of the electorate, but for the next 20 years there will also be a number of special seats filled from special Depressed Classes electorates in the areas where these voters chiefly prevail. The anomaly of giving certain members of the Depressed Classes two votes is abundantly justified by the urgent need of securing that their claims should be effectively expressed and the prospects of improving their actual condition promoted.

Women's Rights

As regards women voters, it has been widely recognized in recent years that the women's movement in India holds one of the keys of progress. It is not too much to say that India cannot reach the position to which it aspires in the world until its women play their due part as educated and influential citizens. There are undoubtedly serious objections to extending to the representation of women the communal method, but if seats are to be reserved for women as such and women members are to be fairly distributed among the communities, there is, in the existing circumstances, no alternative.

With this explanation, I commend the scheme to Indian communities as a fair and honest attempt to hold the balance between the conflicting claims in relation to the existing position in India. Let them take it though it may not for the moment satisfy the full claims of any of them as a workable plan for dealing with the question of representation in the next period of India's constitutional development. Let them remember, when examining the scheme, that they themselves failed when pressed again and again to produce to us some plan which would give general satisfaction.

Communal Co-operation and Condition of Progress

In the end, only Indians themselves can settle this question. The most that Government can hope for is that their decision will remove an obstacle from the path of constitutional advance and will thus enable Indians to concentrate their attention upon solving the many issues that still remain to be decided in the field of constitutional advance. Let leaders of all Indian communities show, at this critical moment in India's constitutional development, their appreciation of the fact that communal co-operation is a condition of progress and that it is their special duty to put upon themselves responsibility of making the new Constitution work.

The Communal Award by His Majesty's Government, released on 16 August 1932

1. In the statement made by the Prime Minister on 1st December last on behalf of His Majesty's Government at the close of the second session of the Round Table Conference, which was immediately afterwards endorsed by both Houses of Parliament, it was made plain that if the communities in India were unable to reach a settlement acceptable to all parties on the communal questions which the Conference had failed to solve His Majesty's Government were determined that India's constitutional advance should not on that account be frustrated, and that they would remove this obstacle by devising and applying themselves a provisional scheme.

2. On the 19th March last His Majesty's Government, having been informed that the continued failure of the communities to reach agreement was blocking the progress of the plans for the framing of a new Constitution, stated that they were engaged upon a careful re-examination of the difficult aud controversial questions which arise. They are now satisfied that without a decision of at least some aspects of the problems connected with the position of Minorities under the new Constitution, no further progress can be made with the framing of the Constitution.

3. His Majesty's Government have accordingly decided that they will include provision to give effect to the scheme set out below in the proposals relating to the Indian Constitution to be laid in due course before Parliament. The scope of this scheme is purposely confined to the arrangements to be made for the representation of the British Indian communities in the Provincial Legislatures, consideration of representation in the Legislature at the Centre below deferred for the reason given in paragraph 20 below. The decision to limit the scope of the same implies no failure to realize that the framing of the Constitution will necessitate the decision of

a number of the problems of great importance to Minorities, but has been taken in the hope that once a pronouncement has been made upon the basic questions of method and proportions of representation the communities themselves may find it possible to arrive at a *modus vivendi* on other communal problems, which have not as yet received the examination they require.

4. His Majesty's Government wish to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to the revision of their decision, and will not be prepared to give consideration to any representation aimed at securing the modification of it which is not supported by all the parties affected. But they are most desirous to close no door to an agreed settlement should such happily be forthcoming. If, therefore, before a new Government of India Act has passed into law, they are satisfied that the communities who are concerned are mutually agreed upon a practical alternative scheme, either in respect of any one or more of the Governor Provinces or in respect of the whole or British India, they will be prepared to recommend to Parliament that that alternative should be substituted for the provisions now outlined.

5. Seats in the Legislative Councils in the Governors' Provinces, or in the Lower House if there is an Upper Chamber, will be allocated as shown in the annexed table.

6. Election to the seats allotted to Mohammedan, European and Sikh constituencies will be by voters voting in separate communal electorates covering between them the whole area of the Province (apart from any portions which may in special cases be excluded from the electoral area as 'backward').

Provision will be made in the Constitution itself to empower a revision of this electoral arrangement (and the other similar arrangements mentioned below) after 10 years with the assent of the communities affected for the ascertainment of which suitable means will be devised.

7. All qualified electors, who are not voters either in a Mohammedan, Sikh, Indian Christian (see paragraph 10 below), Anglo-Indian (see paragraph 11 below) or European constituency, will be entitled to vote in general constituency.

8. Seven seats will be reserved for Mahrattas in certain selected plural member general constituencies in Bombay.

9. Members of the 'Depressed Classes' qualified to vote will vote in a general constituency. In view of the fact that for a considerable period these classes would be unlikely, by this means

alone, to secure any adequate representation in the Legislature, a number of special seats will be assigned to them as shown in the table. These seats will be filled by election from special constituencies in which only members of the 'Depressed Classes' electorally qualified will be entitled to vote. Any person voting in such a special constituency will, as stated above, be also entitled to vote in a general constituency. It is intended that these constituencies should be formed in selected areas where the Depressed Classes are most numerous, and that, except in Madras, they should not cover the whole area of the Province.

In Bengal it seems possible that in some general constituencies a majority of the voters will belong to the Depressed Classes. Accordingly, pending further investigation, no number has been fixed for the members to be returned from the special Depressed Class constituencies in that Province. It is intended to secure that the Depressed Classes should obtain no less than 10 seats in the Bengal Legislature.

The precise definition in each Province of those who (if electorally qualified) will be entitled to vote in the special Depressed Class constituencies has not yet been finally determined. It will be based as a rule on the general principles advocated in the Franchise Committee's Report.* Modification may, however, be found necessary in some Provinces in Northern India where the application of the general criteria of Untouchability might result in a definition unsuitable in some respects to the special conditions of the Province.

His Majesty's Government do not consider that these special Depressed Classes constituencies will be required for more than a limited time. They intend that the Constitution shall provide that they shall come to an end after 20 years if they have not previously been abolished under the general powers of electoral revision referred to in paragraph 6.

10. Election to the seats allotted to Indian Christians will be by voters voting in separate communal electorates. It seems almost certain that practical difficulties will, except possibly in Madras, prevent the formation of Indian Christian constituencies covering the whole area of the Province, and that accordingly special Indian Christian constituencies will have to be formed only in one or two selected areas in the Province. Indian Christian voters in these areas will not vote in a general constituency. Indian Christian voters outside these areas will vote in a general constituency. Special arrangements may be need in Bihar and Orissa, where a considerable

Indian Franchise Committee Report (1932), ch. x.

proportion of the Indian Christian community belongs to the aboriginal tribes.

11. Election to the seats allotted to Anglo-Indians will be by voters voting in separate communal electorates. It is at present intended, subject to investigation of any practical difficulties that may arise, that the Anglo-Indian constituencies shall cover the whole area of each Province, a postal ballot being employed ; but no final decision has yet been reached.

12. The method of filling the seats assigned for representatives from backward areas is still under investigation, and the number of seats so assigned should be regarded as provisional pending a final decision as to the constitutional arrangements to be made in relation to such areas.

13. His Majesty's Government attach great importance to securing that the new Legislatures should contain at least a small number of women members. They feel that at the outset this object could not be achieved without creating a certain number of seats specially allotted to women. They also feel that it is essential that women members should not be drawn disproportionately from one community. They have been unable to find any system which would avoid this risk, and would be consistent with the rest of the scheme for representation which they have found it necessary to adopt, except that of limiting the electorate for each special woman's seat to voters from one community. The special woman's seats have accordingly been specifically divided, as shown in the table, between the various communities. The precise electoral machinery to be employed in these special constituencies is still under consideration.

14. The seats allotted to 'Labour' will be filled from non-communal constituencies. The electoral arrangements have still to be determined, but it is likely that in most Provinces the Labour constituencies will be partly trade union and partly special constituencies as recommended by the Franchise Committee.

15. The special seats allotted to Commerce and Industry, Mining and Planting will be filled by election through Chambers of Commerce and various Associations. The details of the electoral arrangements for these seats must await further investigation.

16. The special seats allotted to landholders will be filled by election by special landholders' constituencies.

17. The method to be employed for election to the University seats is still under consideration.

18. His Majesty's Government had found it impossible in determining these questions of representation in the Provincial

Legislatures to avoid entering into considerable detail. There remains, nevertheless, the determination of the constituencies. They intend that this task should be undertaken in India as early as possible.

It is possible that in some instances delimitation of constituencies might be materially improved by slight variations from the numbers of seats now given. His Majesty's Government reserve the right to make such slight variations, for such purpose, provided that they would not materially affect the essential balance between communities. No such variations will, however, be made in the case of Bengal and the Punjab.

19. The question of the composition of Second Chambers in the Provinces has so far received comparatively little attention in the constitutional discussions and requires further consideration before a decision is reached as to which Provinces shall have a Second Chamber or a scheme is drawn up for their composition.

His Majesty's Government consider that the composition of the Upper House in a Province should be such as not to disturb in any essential, the balance between the communities resulting from the composition of the Lower House.

20. His Majesty's Government do not propose at present to enter into the question of the size and composition of the Legislature at the Centre, since this involves among other questions that of representation of the Indian States which still needs further discussion. They will, of course, when considering the composition, pay full regard to the claims of all communities for adequate representation therein.

21. His Majesty's Government have already accepted the principle that Sind should be constituted a separate Province, if satisfactory means of financing it can be found. As the financial problems involved still have to be reviewed in connexion with other problems of federal finance, His Majesty's Government have thought preferable to include, at this stage, figures for a Legislature for the existing Province of Bombay, in addition to the schemes for separate Legislatures for Bombay Presidency proper and Sind.

22. The figures given for Bihar and Orissa relate to the existing Province. The question of constituting a separate Province of Orissa is still under investigation.

23. The inclusion in the table of figures relating to a Legislature for the Central Provinces including Berar does not imply that any decision has yet been reached regarding the future constitutional position of Berar.

London
4th August 1932

The Poona Pact, 25 September 1932

(1) There shall be seats reserved for the Depressed Classes out of the general electorate seats in the Provincial Legislatures as follows :

Madras, 30 ; Bombay with Sind, 15 ; Punjab, 8 ; Bihar and Orissa, 18 ; Central Provinces, 20 ; Assam, 7 ; Bengal, 30 ; United Provinces, 20 ; Total, 148.

These figures are based on the total strength of the Provincial Councils, announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates subject, however, to the following procedure :

All the members of the Depressed Classes registered in the general electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such Reserved seats, by the method of the single vote ; the four persons getting the highest number of votes in such primary election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and Reserved seats by the method of primary election in the manner provided for in Clause 2 above, for their representation in the Provincial Legislatures.

(4) In the Central Legislature, eighteen per cent of the seats allotted to the general electorate for British India in the said Legislature shall be reserved for the Depressed Classes.

(5) The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures, as hereinbefore mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of Clause 6 below.

(6) The system of representation of the Depressed Classes by Reserved seats in the Provincial and Central Legislatures as provided for in Clauses 1 and 4 shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislatures for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to any one on the ground of his being a member of the Depressed Classes in regard to any elections to Local Bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.

(9) In every Province, out of the educational grant an adequate sum shall be earmarked for providing educational facilities to the members of the Depressed Classes.

*Supplement to the Communal Award : Extract from Speech by Sir Samuel Hoare, Secretary of State for India, at the third Session of the Indian Round Table Conference, 24 December 1932**

Then there was the question of the representation of the communities in the Centre, particularly of the Moslem community. There I think I can say definitely—I think I have said it indirectly very often before—that the Government consider that the Moslem community should have a representation of 33⅓ per cent of British India seats in Federal Chambers. So far as Indian India is concerned, that must be a matter for arrangement between the communities affected and the India of the Princes. But so far as the British Government has any part in the question, we will at any time give our good offices to making it as easy as possible for an agreement between those parties in regard to future allocation of seats. There again I venture to say that definitely today, because I am anxious that the factor in the problem should not in any way impede the future progress in elaborating the further stages of the Constitution.

*Resolution of the All-India Muslim League on the Communal Award and Minorities' protection, 25-6 November 1930***

Resolution No. 3

Whereas owing to the failure of the two majority communities inhabiting India, viz. the Hindus and the Muslims, to come to an agreement, His Majesty's Government was forced to give a decision relating to some matters between the parties and though the decision falls far short of the Muslim demands the Muslims have

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**The Indian Round Table Conference (Third Session,* November-December 1932), p. 135.

***All-India Muslim League, Resolutions, 1924-36*, pp. 57-8.

accepted it in the best interests of the country reserving to themselves the right to press for the acceptance of all their demands, this meeting of the All-India Muslim League condemns the activities of those who are trying to alter the decision in such a manner as to deprive the Muslims of those rights which have already been conceded to them and considers that the best course for all the communities is to work together for the salvation of the country in the spirit of give and take with a view to securing mutual confidence and goodwill and strongly urges upon the Joint Parliamentary Committee to uphold the communal decision of His Majesty's Government.

Resolution No. 4.

This meeting of the All-India Muslim League considers it absolutely essential for the proper representation of important and principal religious Minorities in the Government of the Provinces and the Centre that the Governor or the Governor-General should be enjoined to use his discretion in selecting his Ministers in such a way that the following results may be obtained, viz. :

(*a*) Important and principal religious Minorities may have their adequate representation.

(*b*) The Minister or Ministers selected must have the largest following in the particular Legislature of members of his own community.

In this connexion this meeting notes with satisfaction that the evidence given by the Secretary of State for India before the Joint Parliamentary Committee on 11 July 1933 in regard to these points is very helpful.

*Resolution of the Working Committee of the Indian National Congress on the White Paper and the Communal Award, 12-13 June 1934**

The Congress Parliamentary Board having asked the Working Committee to enunciate the Congress policy on the White Paper proposals and the Communal Award, the Working Committee declares the Congress Policy on these matters as follows :

The White Paper in no way expresses the will of the people of India, has been more or less condemned by almost all the Indian political parties and falls far short of the Congress goal if it does not retard the progress towards it. The only satisfactory alternative to the White Paper is a Constitution drawn up by a Constituent

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**The Indian National Congress, Resolutions 1934-6*, Allahabad, All-India Congress Committee, pp. 19-20.

Assembly elected on the basis of adult suffrage or as near it as possible, with the power, if necessary, to the important Minorities to have their representatives elected exclusively by the electors belonging to such Minorities.

The White Paper lapsing, the Communal Award must lapse automatically. Among other things, it will be the duty of the Constituent Assembly to determine the method of representation of important Minorities and make provision for otherwise safeguarding their interests.

Since, however, the different communities in the country are sharply divided on the question of the Communal Award, it is necessary to define the Congress attitude on it. The Congress claims to represent equally all the communities composing the Indian nation and therefore, in view of the division of opinion, can neither accept nor reject the Communal Award as long as the division of opinion lasts.

At the same time it is necessary to redeclare the policy of the Congress on the communal question :

No solution that is not purely national can be propounded by the Congress. But the Congress is pledged to accept any solution falling short of the national, which is agreed to by all the parties concerned and, conversely, to reject any solution which is not agreed to by any of the said parties.

Judged by the national standard the Communal Award is wholly unsatisfactory, besides being open to serious objections on other grounds.

It is, however, obvious that the only way to prevent untoward consequences of the Communal Award is to explore ways and means of arriving at an agreed solution and not by any appeal on this essentially domestic question to the British Government or any other outside authority.

*The Joint Committee of Parliament on Indian Constitutional Reform on the Communal Award and the Poona Pact, 31 October 1934**

It will be recalled that owing to the failure of the various communities to reach any agreement on the subject, principally because of a radical divergence of opinion on the vital question of separate electorates and the distribution of communal seats, His Majesty's Government themselves reluctantly undertook the task of devising a scheme for the composition of the new Legislatures.

**Report of the Joint Committee on Indian Constitutional Reform* (1934), paragraphs 118-20.

When their Award was published, they announced their determination not to entertain any suggestions for its alteration or modification which were not supported by all parties affected, but that if any of the communities mutually agreed upon a practicable alternative scheme, they would be prepared to recommend to Parliament that that alternative should be substituted for the corresponding provisions in the Award. In the Award special arrangements were made to secure representation for the Depressed Classes. These were criticized by Mr. Gandhi as introducing an artificial division between two parts of the Hindu community, and he expressed his intention of 'fasting unto death' as a protest against them. Thereupon negotiations were initiated between representatives of the caste Hindus and of the Depressed Classes, and an agreement resulted which was embodied in the Poona Pact. This agreement in the view of His Majesty's Government was within the terms of the announcement made by them, and therefore properly to be included as an integral part of the Communal Award.

The substance of the Poona Pact is the reservation to the Depressed Classes of a number of seats out of the seats classified as general seats in the Award, which means in effect out of Hindu seats, since Hindus form the great bulk of the general electorates. These Reserved seats will, however, be filled by an unusual form of double election. All members of the Depressed Classes who are registered on the general electoral roll of certain constituencies will elect a panel of four candidates belonging to their own body, and the four persons who receive the highest number of votes in this primary election will be the only candidates for election to the Reserved seat ; but the candidate finally elected to the Reserved seat will be elected by the general electorate, that is to say, by caste Hindus and by members of the Depressed Classes alike. The number of seats reserved for the Depressed Classss under the Poona Pact is practically double the number reserved under the Communal Award ; though the latter gave the Depressed Classes electors a vote in the general constituencies as well as for the special seats reserved for themselves ; but whereas under the Communal Award the Depressed Classes electors were to vote separately for the seats reserved for them as well as jointly with other Hindus in the general constituencies, under the Poona Pact there will now only be an election by the general electorate, although the candidates for election will have been previously selected by means of a primary election at which members of the Depressed Classes only will be entitled to vote. Since the Pact does not, and indeed could not, increase the total number of seats assigned by the Communal Award

to the different Legislatures, it follows that any increase in the seats reserved for the Depressed Classes must involve a diminution in the seats which will be available for caste Hindus.

The Communal Award was criticized by more than one witness who appeared before us on the ground that it operates inequitably in the case of Bengal, and even more inequitably with the modifications resulting from the Poona Pact. There was also criticism of the Award from other Provinces in which the Hindus are in a minority ; and we understand that recently there has been a growing tendency in some influential sections of the Hindu community to attack the foundation of the Award. Nevertheless, it is clear to us that there is among almost all the communities in India (not excepting the Hindu) a very considerable degree of acquiescence in the Award in the absence of any solution agreed between the communities ; and in fact we entertain no doubt that, if any attempt were now made to alter or modify it, the consequences would be disastrous. The arrangement which it embodies appears to us to be well thought out and balanced, and to disturb any part of it would be to run the risk of upsetting the whole. It accepts indeed the principle of separate electorates for the Muhammadan, Sikh, Indian Christian, Anglo-Indian, and European communities, but we recognize that this is an essential and inevitable condition of any new constitutional scheme. We may deplore the mutual distrust of which the insistence on this demand by the Minorities is so ominous a symptom, but it is unhappily a factor in the situation which cannot be left out of account, nor do we think that we can usefully add anything to what we have already said on the subject. We accept therefore the proposals in the White Paper for the composition of the Legislative Assemblies. As regards the Poona Pact we are bound to say that we consider that the original proposals of His Majesty's Government constituted a more equitable settlement of the general communal question and one which was more advantageous to the Depressed Classes themselves in their present stage of development. They united the two sections of the Hindu community by making them vote together in the general constituencies, thereby compelling candidates to consider the well-being of both sections of their constituents when appealing for their support while they secured to the Depressed Classes themselves sufficient spokesmen in the Legislature, elected wholly by depressed class votes, to ensure their case being heard and to influence voting, but not so numerous that the Depressed Classes would be unable to find representatives of adequate calibre. Under the pressure of Mr. Gandhi's fast these

propasals were precipitately modified ; but in view of the fact that His Majesty's Government felt satisfied that the agreement come to at Poona fell within the terms of their original announcement and accepted it as an authoritative modification of the Communal Award, we are clear that it cannot now be rejected. Nevertheless, as we said, objections to the Pact in relation to Bengal have since been strongly urged by caste Hindus from that Province ; and if, by agreement between the communities concerned, some reduction were made in the number of seats reserved to the Depressed Classes in Bengal, possibly with a compensatory increase in the number of their seats in other Provinces where a small addition in favour of the Depressed Classes would not be likely materially to affect the balance of communities in the Legislature, we are disposed to think that the working of the new Constitution in Bengal would be facilitated."

"The Congress views with pain, horror and anxiety, the tragedies of Calcutta, in East Bengal, in Bihar and in some parts of Meerut District. The acts of brutality committed on men, women and children fill every decent person with shame and humiliation. These new developments in communal strife are different from any previous disturbances and have involved murders on a mass scale as also mass conversions enforced at the point of the dagger, abduction and violation of women and forcible marriage. These crimes, apparently for political purposes, put an end to all sense of security and are ominous to the peace, tranquility and progress of India.

The responsibility for this widespread brutality must rest with the preaching of hatred and violence for political purposes and the degradation and exploitation of religion for political ends. Responsibility must also rest with those who claim to possess special responsibilities and who, in spite of warning failed to discharge them and allowed matters to proceed to the extreme limit of endurance.

The Congress would warn the country against all propaganda of violence and hate. It is not by these methods that the differences between the various communities in India can be settled. They can only be settled by peaceful means. The attempts of the Congress to work out a peaceful and just solution of the communal problem have been repeatedly thwarted by the Muslim League. The advocacy and use of violence will injure the interests of the country as a whole as well as sectional interests. The Congress also warns all communities against revenge and reprisals. The continuance of a vicious circle of reprisal would mean playing into the hands of the internal and external enemies of the nation.

The immediate problem is to produce a sense of security and rehabilitate homes and villages which have been broken up and destroyed. Women who have been abducted and forcibly married must be restored to their homes. Mass conversions which have taken place forcibly have no significance or validity and the people affected by them should be given every opportunity to return to their homes and to the life of their choice.

The Congress reiterates its conviction that the only solution of the communal problem is complete independence from foreign control and appeals to the people not to allow communal passion to side-track the national struggle at this last stage of our march to freedom." *54 : 1946 : Meerut : IX.*

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"Ever since its inception, the National Congress has conceived and striven for a nation where the people of all religions and races should have equal rights and opportunities and should function together as citizens of India. It has opposed communalism and separatism which weaken the nation and come in the way of all progress and co-operative effort. Keeping this ideal in view, it has nevertheless, by stress of circumstances, and by the pressure of the dominating power at the time, accepted certain compromises, which introduced an element of communalism in the public life of the country. In spite of the efforts of the Congress, communal forces exploiting the name of religion grew in the strength and resulted not only in the partition of the country, but also in the foul assassination of Mahatma Gandhi.

The terrible experiences through which the country has passed have demonstrated the evil that communalism brings in its train and have shown that the freedom of the Indian nation, as of every component part of it, is imperilled by these communal and separatist tendencies. In order, therefore to preserve the hard won freedom of the country and for the nation to grow and prosper and enjoy the fruits of this Freedom, it has become essential to put an end to the spirit of communalism which has already caused so much grievous injury.

The long past of India is evidence of the spirit of tolerance which was the basis of life and culture in this country. India has been and is a land of many religions and many races and must remain so. The freedom of India can only be based on a recognition of an over-riding unity binding together the richly varied cultural life of the country, which should have full play. The aim of the Congress has, therefore, been to develop this great country as a democratic secular State which neither favours nor discriminates against any particular religion.

This Congress reiterates this objective and declares its firm resolve not to permit communalism or the misuse of religion as a political weapon for anti-national and socially reactionary purposes. The Congress calls upon the country to make a supreme effort to restore goodwill, peace and harmony among the various communities that form the nation.

It is for this that Mahatma Gandhi laboured, and it was for this he ultimately sacrificed his precious life. To every Indian, and more particularly to every Congressman, he had left this great legacy and example." *55 : 1948 : Jaipur : XI.*

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"HOMAGE TO THE MEMORY OF MAULANA AZAD"

"The Congress pays its homage to the memory of Maulana Abul Kalam Azad who passed away on February 22, 1958. Great scholar and thinker and writer, eminent in many fields, he was above all a lover of his country and humanity and fighter for freedom. From his earliest days he devoted himself to the cause of India's independence and communal unity and his writings not only served these causes with brilliance but also enriched and enlarged the Urdu language. His entire life is a long record of devoted service to his country and of courageous endurance of the sufferings and sacrifices that inevitably came to him as a consequence of such service.

With the National Congress his association was an intimate one for forty years and he was a member of its Working Committee from its very inception early in the nineteen-twenties. Congressmen all over the country looked up to him with affection for guidance, and to his immediate comrades in the Working Committee he was a wise and tolerant friend and guide. In a generation which produced many great men in India, he was a unique personality, towering over others, a rich mixture of the wisdom of the past with the learning and tolerant spirit and urges of the present. To all his countrymen he was a beacon and a light during periods of storms and struggle. His life has been a monument of India's struggle for freedom and unity, its early stirrings, its consolidation in a mighty movement, and its success and fulfilment, followed by the new struggle for economic and social advance.

The Congress earnestly hopes that the principles for which Maulana Azad laboured, sacrificed and died will guide his countrymen in the present and the future." *64 : 1959 : Nagpur : I*

See also

PAKISTAN

PARTITION OF INDIA

COMMUNISM

See

POLITICAL PARTIES—*Communist Party of India*

COMMUNIST PARTY OF INDIA

See

POLITICAL PARTIES—*Communist Party of India*

CHAPTER VII

CONSTITUTIONAL REFORMS

Note :—Britain began humbly when on December 31, 1600, Queen Elizabeth granted a Charter to the Governor and Company of Merchants of London to trade in the East Indies.* Some eminent historians of Modern Indian History are of the opinion that for over a hundred years the main concern of the Company was only to trade.**

But after the death of Aurangzeb, India was further sub-divided into congeries of states. There was no single force which could unite these Nawabs, Rajas and Maharajas into one National force. In fact Indian political scene of those days was over-shadowed by the dark clouds of rivalries and mutual distrust.

Naturally some weaker and disgranted Nawabs and Princes, in their desparate mood fell upon the help and co-operation of their foreign friends who readily made use of their traitorous tendencies. It is these deteriorated political conditions that were mainly responsible for making foreign traders in taking part in India's political affairs of those days.

The foreign traders because they were more disciplined and better equipped with modern arms and ammunition they could influence the undisciplined and quarrelsome rulers. More they began to depend on the help of foreigners, greater they became political conscious. It was obvious that trade to them became a thing of secondary importance.

Eminent among the foreign traders were the British, the French, the Portuguese and the Dutch. The influence of the Portuguese almost dwindled because the treaty of Munster (1648) limited the Portuguese possessions in India to Deo, Daman and Goa.*** The Dutch Commercial Supremacy in the East came to an end by 1697, when the Dutch power was broken up by the French in Europe and the peace of Ryswick was made. Now the French and British were left in the field. There was a tough struggle for supremacy between the French and the British which continued for full 23 years. The French power was finally broken when on

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* Annie Besant, "*How India Wrought for Freedom*", XXXVII.
** P. Mukerjee, "*Indian Constitutional Documents*", p. 120.
***Deo, Daman and Goa are now part of India.

21st January 1760, the British achieved a decisive victory at Wandewash.*

So far the foreign rivals were concerned the English had eliminated practically all of them. The task of supremacy over the Nawabs and Princes in India was yet to be completed and the foundation-stone of British Empire was yet to be laid down on sound footings. Clive who is named by some historians as the founder of the British Empire in India studied wisely the whole situation and managed affairs beautifully. When Siraj-ud-Daulah, the New Nawab of Bengal attacked Calcutta in 1756 a treaty was signed with the Nawab on the basis of restitution. Later Clive entered into a treaty with the Nawab's Commander-in-Chief Mir Jaffer and with his co-operation ultimately in famous battle of Plassey made the English the master of the situation. The Marathas could have given some tough time to the British but luckily enough for the British, they suffered a great set-back by their defeat at the battle of Panipat in 1761. After having won the decisive battles of Plassey and Panipat, the East India Company felt its position secure in India.

The British Parliamentarians thought of establishing in India a constitutional Government for everlasting supremacy of the British over India. For instance Macauley, who in 1833, held the post of Secretary to the Board of Control, while speaking on the Charter Bill, expressed the hope "that by good government we may educate our subjects into a capacity for better government, that, having become instructed in European knowledge, they may, in some future age, demand European Institutions."

Such sentiments were also expressed from time to time both by Whigs and Tories in England even before India's First War of Independence in 1857. Lord Palmerston in February, 1858 introduced a Bill for transferring the Government of India from the East India Company to the Britisn Crown. But after the resignation of Palmerston Ministry, Lord Darby accepted Lord Palmerston's view with some modification in August, 1858.

Lord Bentick and Dalhousie also had advocated that eminent Indians should also be included in Legislative Council but it was not until 1861 that the first step in this direction was taken. The under-line of this step was mainly to associate Indians with the

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*Singh, G. N., *Landmarks in Indian Constitutional and National Development*, Vol. 1, p.8.

administration of the country but there was no intention to include them in self-governing institutions.

During the same period many dynamic forces were driving the educated people of India from different points of the compass to a common fold and to concentrate their thoughts, ideas and activities to common forces for the attainment of the political rights and privileges. Among the forces, the eminent were : violent impact of European Culture over India ; Religious and Cultural revival by social reformers like Ram Mohan Roy, Vivekanand, Dayanand Saraswati, Ishwar Chandra, Keshav Chandra and others ; 'the rise of India's First War of Independence in 1857' and the growth of the Indian Press.

These forces of the Modern Indian Renaissance forcibly burst into the minds of educated Indians who launched movements by organizing the British Association in Bengal, Bombay Association in Bombay, Mahajan Sabha in South India and Poona Sarvajanik Sabha in Maharashtra. The culmination of all these awakening resulted into an All India Organization and interestingly enough Sir Allan Octavian Hume, took initiative in convening a meeting of the Indian National Union in March, 1885, at Poona, which later met in December, the same year under the name of Indian National Congress in Bombay.

The objectives of this new organization were merely to "demand the introduction of an elective element in the Legislatures and to point out the ineffectiveness of Parliamentary control over Indian affairs."

After having pressed the issue for seven years Congress got the Indian Control Act passed in 1892, which provided for the expansion of the Imperial as well as Provincial Councils by increasing the numbers of the additional members. Eminent Indian leaders like Gopal Krishna Gokhale, Rash Behari Ghose and Surendra Nath Banerjee, joined the Legislatures and continued to press the demand for the partial Indianization of the Executive Council.

The consequences of the Partition of Bengal and the Victory of Japan in Russo-Japanese War had a great impact upon the minds of the younger Congressmen all over the country. Naturally, therefore, those members whose policy later was dubbed as "mendicant", did not like any radical change detrimental to the British interest in India. The well-known "Surat Split" in the 23rd Congress held at Surat in December, 1907 was the inevitable result of the difference of opinion between the "Extremists" and the "Moderates". The Congress for the first time put forth in 1906, a claim to *Swaraj* and

subsequently organized movement to boycott British goods, was started. The Government soon realized the seriousness of the *Swaraj* movement. To meet this growing opposition of the "Extremists" and to win favour of the "Moderates" the British Government enacted the Indian Council Act of 1909, which enlarged the size of the Legislative Councils and accepted the principle of election, though indirect, and provided for an elected majority in the Bengal Legislative Council. A further conciliatory step was taken by including Lord S. P. Sinha in the Governor-General's Executive Council as Law Minister.

When Lord Minto introduced the Morley-Minto Scheme, the Congress in its 29th Session held at Karachi in 1913, disapproved the Communal electorate. But in its 32nd Session held in Lucknow in 1916 "the Congress agreed to swallow the bitter pill in order to present to the British Government an agreed plan of constitutional advance." "Separate electorates were conceded, and it was agreed that no bill or resolution affecting a community should be proceeded with if three-fourth of the representatives of that community were opposed to it." The Congress was so anxious to implement the "Congress-League Scheme" of reforms that in its 33rd Session held in Calcutta in 1917, recommended that these reforms "be immediately introduced by the statute as the first step in the process."

The Congress in its special Session held in Bombay in 1918, formulated a scheme for the Constitutional Reforms for the achievement of *Swaraj* or Self-Government. But it was greatly disappointed when the Government passed the Rowlatt Act, based on the Sedition Committee's report. The Congress in its Amritsar Session in 1919, protested against the enforcement of Rowlatt Act and the Indemnity Bill. It adhered to the resolutions passed at the Delhi Congress (1918) regarding the constitutional reforms and declared "that Reform Act is inadequate, unsatisfactory and disappointing." The Jallianwala Bagh tragedy and the Khilafat movement which temporarily brought together Hindus and Muslims, created among the people of India, hatred towards the British Government. The new situation compelled the Indians to demand a complete reorientation of methods and policies of the Congress. At this critical phase of our national movement there appeared Mahatma Gandhi who provided Congress with the weapon of *Satyagraha*, which he claimed, never failed. The Congress was greatly influenced by him, and fundamental change in its character took place with the adoption of a resolution by the Nagpur Congress of 1920 which declared : "The object of the Indian National Congress is the attainment of

Swarajya by the people of India by all legitimate and peaceful means''.

In its Madras Session held in 1927 the Congress declared the goal of the Indian people to be 'Complete National Independence. In the same Session it was decided to invite representatives from all the political parties to draft a ''Swarajya Constitution'' for India. The Nehru Committee's Report which based its recommendations on ''Dominion Status'' as India's goal appeared on August 14, 1928. It was endorsed by the A.I.C.C. in its meeting held in Delhi in November, 1928.

The Viceroy Lord Irwin could not assure Mahatma Gandhi ''that the Constitution to be drawn up by the Round Table Conference would grant ''Dominion Status''. To face this challenge the Congress at its Lahore Session on December 21, 1929, endorsing its Calcutta decisions, declared ''Complete Independence'' as the goal of the Congress. Subsequently Mahatma Gandhi undertook the historic ''Dandi March'' on March 12, 1930 to break the Salt Law. The Congress had also rejected the Simon Commission Report. The whole country was in turmoil.

In order to solve the deadlock the Government had negotiations with the Congress and Gandhi-Irwin Pact was the result. At the failure of his mission to London where he was to attend the Round Table Conference, he again had to launch the Civil Disobedience Movement.

Contrary to the Congress plans the British Government was trying to solve the Indian Constitutional problem in its own imperialistic way. It published the Communal Award and in order to protest against it, Mahatma Gandhi began his ''fast unto death'', on December 20, 1932. The movement later resulted in Poona Pact on October 26, 1932.

As an amicable solution to the Constitutional deadlock, the British Government passed the Government of India Act of 1935. The Congress which had earlier made ''Complete Independence'' as its goal was not at all satisfied with this proposal. But the Congress fought, though reluctantly, and won the elections. It obtained clear majorities in Madras, United Provinces, Bihar, the Central Provinces, and Orissa, and nearly half the seats in Bombay. In the North-West Frontier Province and Assam it secured more than one-third of the seats, and formed the largest party.

In order to be in close and constant touch with the work of the Congress Party in all the Legislatures in the Provinces and to advise them in all their activities, the Working Committee of the

Congress formed in March 1937, a Parliamentary Sub-Committee consisting of Maulana Abul Kalam Azad, Dr. Rajendra Parsad and Sardar Vallabhbhai Patel. The activities of the Sub-Committee were directed towards national development on broadly uniform lines and the maintenance of strict discipline within the ranks of the party, and its control was quite extensive and substantial.

Although the Congress had co-operated in the working of Provincial Autonomy, it did not lose sight of its original demand of "Complete Independence". During the crucial movement when the World War II broke out, the Congress continued to press its demand that India's right to independence should be conceded in unequivocal form and the people of the country allowed to shape their own future through a duly elected Constituent Assembly without any interference on the part of the British Government. And, for the period of the war, such changes were to be introduced in the governance of the country as would give effect to the basic principle of independence to the largest possible extent, 'for it is the present that will govern action to-day and give shape to the future'. If these demands were conceded India would 'gladly associate herself with other free nations for mutual defence against aggression and for economic co-operation'.

In the face of these pressing persistent demands of the Congress the policy of the British Government did not undergo any basic change. Lord Linlithgow, in his first policy statement after the outbreak of war, on October 18th, 1939, reiterated that "the British Government stood by the policy embodied in the Preamble of the Act of 1919 and by the clarification issued by Lord Irwin in 1929 that the natural issue of India's progress as contemplated therein was the attainment of 'Dominion Status' ".

From the above statement the Congress was convinced that the intention of the Government was "to hold India in bondage indefinitely". Since non-co-operation had been the basic policy of the Congress to fight against the British Imperialism, in October, 1939, the Congress Ministries in all Provinces resigned and on October 17, 1940, the 'Individual Satyagraha Movement' was started under the leadership of Mahatma Gandhi.

In December 1941, the British Government felt that without India's active co-operation, they might not meet successfully the Japanese aggression in Burma and in India. To avoid this catastrophy they sent Sir Stafford Cripps, Lord Privy Seal of the War Cabinet, to negotiate a settlement with the Indian leaders. But the Cripps' proposals were rejected by the Congress because "The

Congress held that present emergency could only be met by a free National Government, with full power to administer and control all subjects, including Defence; for such a Government alone could organize defence, intensively and on the widest popular basis, and create a mass psychology of resistance to the invader."

The Congress after having rejected Sir Cripps' views had no alternative but to launch another Satyagraha movement. The Working Committee on 8th August, 1942, passed the well-known 'Quit India' resolution, demanding immediate, complete and unconditional withdrawal by the British, regardless of the consequences. Mahatma Gandhi declared : "Leave India in God's hands, in modern parlance, to anarchy, and that anarchy may lead to internal warfare for a time or to unrestrained dacoities. From those a true India will arise in place of the false one we see". The "Quit India" movement was more intense and widespread than any so far launched by the Congress. In fact it paralysed the entire administration of the Government. There was revolt in the Army and the Navy. Even the "Liberals", who always sided the Government against the Nationalist forces, became weaker. Under these circumstances the Government was convinced that now they cannot hold on India any longer. The Labour Party which was in power in those days, sent on March 25, 1946, a Mission of Cabinet Ministers headed by Lord Pathick Lawrence, the Secretary of State for India to find a solution to the Indian problem. The ministers met the leaders of all the political parties in vain. In absence of any amicable solution the Cabinet Mission presented on May 16, 1946, a scheme of its own, laying down the principles and procedure for the framing of India's Constitution through a duly elected Constituent Assembly. A scheme for the formation of an Interim Government at the Centre was announced on June 16, 1946. The basic form of the Constitution as envisaged was compromise between Pakistan and a United India.

The proposal of forming the Constituent Assembly and the Interim Government was placed before the All-India Congress Committee at its meeting held at Bombay on July 6, 1946. It gave its approval by 205 against 51 votes.

Dr. Rajendra Parsad was elected permanent President of the Constituent Assembly. He in his inaugural address on December 11, 1946, stressed on the self-governing and self-determining power of the Assembly. He further said : "Indeed, it is in the power of this Constituent Assembly to get rid of and demolish the very limitations and I hope that you, ladies and gentlemen who, have come here to

frame the Constitution of an Independent and Free India, will be able to get rid of these limitations and place before the world a model constitution, that will satisfy the people of all groups and communities and religions inhabiting this vast land and will ensure to everyone freedom of action, of thought, of belief, and of worship, which will guarantee to everyone opportunities of rising to his highest, which will guarantee to everyone freedom in all respects".

After about three years' hard labour, on 26th November, 1949, the Constituent Assembly adopted a Constitution for the country. It came into force on January 26, 1950.....a date on which in 1929, the Indian National Congress declared *Poorna Swaraj* (complete Independence) as the goal of India's political ambitions, at the Lahore Session by a Resolution moved by Jawaharlal Nehru, our Prime Minister.

The Preamble to the Constitution of India reads as : "We, the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens : Justice, social, economic and political ; liberty of thought, expression, belief, faith and worship, equality of status and of opportunity ; and to promote among them all fraternity assuring the dignity of the individual and the unity of the Nation."

Keeping in view the Preamble to the Constitution of India, the Congress in the Avadi Session in 1955 amended its first article by a resolution moved by Shri Shriman Narayan. As amended it reads :

"The object of the Indian National Congress is the well-being and advancement of the people of India and the establishment in India by peaceful and legitimate means of a socialist co-operative commonwealth based on equality of opportunity and of political and economic rights and aiming at world peace and fellowship." The changes in the Constitution of the Congress made after 1947 clearly indicate that it aims to establish a Social Welfare State in India.

Below is given in brief a chronological survey of a few eminent constitutional landmarks from 1765 to 1951, duly classified under five convenient periods.

I. 1765-1884

(*a*) The Treaty between the Nawab Shujau-d-daula, of Oudh, the Nawab Najmu-d-daula of Bengal, and the East India Company, 16 August, 1765.

(*b*) East India Company Act, 1767.

(*c*) East India Company Act, 1773.
(*d*) East India Company Act, 1784.
(*e*) Government of India Act, 1833.
(*f*) Government of India Act, 1858.
(*g*) Proclamation by the Queen to the Princes, Chiefs, and the people of India, 1 November, 1958.
(*h*) "The Act for the Better Government of India, 1858."

II. 1885-1919

(*a*) Indian Council Act 1892.
(*b*) Indian Council Act, 1909, (Morley-Minto Reforms)
(*c*) Montague Chelmsford Reforms (The Government of India Act, 1919)

III. 1920-1935.

Government of India Act, 1935.

IV. 1936-1941.

August offer (8th August, 1940).

V. 1942-1947.

(*a*) The Cripps Mission (March, 1942).
(*b*) Between the two Missions ; Quit India Movement (August 9, 1942) ; C. R. Formula (March 1944), Wavell Plan (June, 1945) etc.
(*c*) The British Cabinet Mission (February, 1946.)
(*d*) Constituent Assembly ;
(*e*) Interim Government ;
(*f*) Mountbatten Plan (July, 1947.)
(*g*) The Independence Act (July, 1947.)

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*Treaty between the Nawab Shujau-d-daula, of Oudh, the Nawab Najmu-d-daula, of Bengal and the East India Company, 16 August 1765.**

Article 1

"A perpetual and universal peace, sincere friendship, and firm union shall be established between His Highness Shujau-d-daula and his heirs, on the one part, and His Excellency Najmu-d-daula and the English East India Company on the other ; so that the said contracting powers shall give the greatest attention to maintain between themselves, their dominions and their subjects this reciprocal friendship, without permitting, on either side, any kind of hostilities to

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*..... Keith, A.B. *Speeches And Documents On Indian Policy*, 1750-1921 Vol. 1, pp. 28-30.

be committed, from henceforth, for any cause, or under any pretence whatsoever, and everything shall be carefully avoided which might hereafter prejudice the union now happily established.

Article 2

In case the dominions of His Highness Shujau-d-daula shall at any time hereafter be attacked, His Excellency Najmu-d-daula and the English Company shall assist him with a part or the whole of their forces, according to the exigency of his affairs, and so far as may be consistent with their own security, and if the dominions of His Excellency Najum-d-daula or the English Company, shall be attacked, His Highness shall be in like manner, assist them with a part or the whole of his forces. In the case of the English Company's forces being employed in His Highness's service, the extraordinary expense of the same is to be defrayed by him.

Article 3

His Highness solemnly engages never to entertain or receive Cossim Ally Khan, the late Soubahadar of Bengal, & C., Sombre, the assassin of the English, nor any of the European deserters, within his dominions, nor to give the least countenance, support, or protection to them. He likewise solemnly engages to deliver up to the English whatever European may in future desert from them into his country.

Article 4

The King Shah Aalum shall remain in full possession of Cora, and such part of the Province of Illiabad (Allahabad) as he now possesses, which are ceded to His Majesty, as a royal demesne, for the support of his dignity and expenses.

Article 5

His Highness Shujau-d-daula engages, in a most solemn manner to continue Balwant Singh in the zemindaries of Benares, Ghazepore, and all those districts he possessed at the time he came over to the late Nabob Jaffier Ally Khan and the English on condition of his paying the same revenue as heretofore.

Article 6

In consideration of the great expense incurred by the English Company in carrying on the late war, His Highness agrees to pay them (50) fifty lakhs of rupees in the following manner ; *viz.* (1) twelve lakhs in money, and a deposit of jewels to the amount of (8) eight lakhs, upon the signing of this Treaty, (5) five lakhs one month after, and the remaining (25) twenty-five lakhs by monthly payments, so as that the whole may be discharged in (13) thirteen months from the date hereof.

Article 8

His Highness shall allow the English Company to carry on a trade, duty free, throughout the whole of his Dominions.

Article 9

All the relations and subjects of His Highness, who in any manner assisted the English during the course of the late war, shall be forgiven, and no ways molested for the same.

Article 10

As soon as this Treaty is executed, the English forces shall be withdrawn from the dominions of His Highness, except such as may be necessary for the garrison of Chunar, or for the defence and protection of the King in the city of Illiabad (Allahabad) if His Majesty should require a force for that purpose."

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EAST INDIA COMPANY ACT, 1767 (7 Geo. III, c. 57)*

"An Act for establishing an agreement for the payment of the annual sum of four hundred thousand pounds, for the limited time, by the East India Company. in respect of the territorial acquisitions and revenues lately obtained in the East Indies

Whereas the United Cempany of Merchants of England trading to the East Indies have proposed that a temporary agreement should be made in relation to the territorial acquisitions and revenues lately obtained there ; and have thereupon offered to pay, for the benefit of the public during the term of such agreement, the yearly sum of four hundred thousand pounds, by half-yearly payments. And whereas it may be for the benefit of the public, and the said company, that a temporary agreement for the space of two years, should be made in regard to the said territorial acquisitions and revenues. Now we, Your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled to most humbly beseech Your Majesty, that it may be enacted ; and be it enacted by the King's Most Excellent Majesty, by the advice and consent of the Lords Spiritual and Temporal, and Commons, in present Parliament assembled, and by the authority of the same that the said United Company of Merchants of England trading to the East Indies, and their successors, shall advance and pay into the receipt of His Majesty's Exchequer, for His Majesty's use, the sum of four hundred thousand pounds per annum, for and during the term of two years, to be computed for the first day of February, one thousand seven hundred and sixty seven, by half yearly payments

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*..... Keith, A.B. *Speechcs And Documents On Indian Policy*, 1750-1921 Vol. I. pp. 30-34.

of two hundred thousand pounds shall become due on the first day of August, and the first day of February in each year; and shall be made on or before the twentey fifth day of March next ensuing such first day of August, and on the twenty-ninth day of September next ensuing such first day of February respectively in each year, the first of which half yearly payments shall become due on the first day of August, one thousand seven hundred and sixty seven; and be made on or before the twenty-fifth day of March, one thousand seven hundred and sixty-eight and in the case said United Company of Merchants of England trading to the East Indies, or their successors, shall make failure in any of the said payments hereby appointed to be made into the receipt of His Majesty's Exchequer, on or before the respective days or times herein before limited; that then from time to times as often as such case shall so happen, the money, whereof such failure in payment shall be made, shall and may be recovered to His Majesty's use, by action of debt, or upon the case, bill, suit or information, in any of His Majesty's Courts of record at Westminster, wherein no essoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit or information, it shall be lawful to declare, that the said United Company of Merchants of England trading to the East Indies, or their successors, are indebted to His Majesty the moneys of which they shall have made default in payment, according to the form of this statute, and had not paid the same, which thus shall be sufficient; and in or upon such action, bill, suit or information, there shall be further recovered, to His Majesty's use, against the said United Company of Merchants of England trading to the East Indies, or their successors, damages after the rate of fifteen pounds per centum per annum, for the respective moneys so unpaid, contrary to this act, together with full costs of suit; and the said United Company, and their successors, and all their stock, funds, and all other their estates and property whatsoever, and wheresoever, shall be, and are hereby made, subject and liable to the payment of such moneys, damages and costs.

II. And it is hereby further enacted and declared by the authority aforesaid, that all the said territorial acquisitions and revenues, lately obtained in the East Indies, shall remain in possession of the said United Company, and their successors, during the said first term of two years, to be computed from during the said first day of February, one thousand seven hundred and sixty seven.

III. Provided nevertheless, and be it further enacted by the authority aforesaid, that if the said United Company, or their

successors, shall be dispossessed by any foreign power of any part of the said territorial acquisitions or revenues, at any time or times before the expiration of the said term of two years, to be computed from the first day of February one thousand and seven hundred and sixty-seven ; then, and in every such case, and as often as such case shall so happen, the payment of the said annual sum of four hundred thousand pounds, for or in respect of the time or times during which the said company, or their successors, shall remain so dispossessed, shall be reduced in such proportion to the whole of the said annual sum as the net income and profits of all the said territorial acquisitions and revenues, upon the average of the year preceding their being so dispossessed ; and it shall happen that any payment or payments shall have been made for in respect of any time or times during which the said company, or their successors, shall have been so dispossessed as aforesaid, such proportional part of moneys as shall have been so paid for or in respect thereof, or so much of such proportional part of the said money as shall have not been appropriated in manner hereinafter mentioned, shall be repaid and refunded at the said Receipt of the Exchequer to the said Company, or their successors ; and in lieu of the money which shall have been so appropriated a sum equal thereto shall be paid to the said company or their successors, out of the fund commonly called the Sinking Fund ; which payment is hereby charged upon the said Fund, and shall be made thereout, after paying, or reserving sufficient to pay, all previous charges thereupon ; anything herein before contained to the contrary not withstanding.

IV. And be it further enacted by the authority aforesaid that the moneys which shall be paid into the Receipt of His Majesty's Exchequer, in pursuance of this Act, shall be there reserved to be disposed of and appropriated by Parliament.

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EAST INDIA COMPANY ACT, 1773 (13 Geo. III, c. 63)*

"VII. And, for the better management of the said United Company's affairs in India, be it further enacted by the authority aforesaid, that, for the government of the Presidency of Fort William in Bengal, there shall be appointed a Governor General, and four counsellors : and that the whole civil and military Government of the said Presidency, and also the ordering management and government of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bihar and Orissa, shall, during such times as

*Keith, A.B. *Speeches and Documents on Indian Policy*, 1750-1921, Vol. I, p.p. 45-59.

Also in

Mukherji, P. *Indian Constitutional Documents*, 1773-1915, p. 1-9.

Banerjee, A.C. *Indian Constitutional Documents*, Vol. I, p. 18-27.

the territoriol acquisitions and revenues shall remain in the possession of the said United Company, be, and are hereby vested in the said Governor-General and Council of the said Presidency of the Fort William in Bengal, in like manner, to all intents and purposes whatsoever as the same now are, or at any time heretofore might have been exercised in the President and Council, or Select Committees, in the said kingdoms.

VIII. And be it enacted by the authority aforesaid that in all cases whatsoever wherein any difference of opinion shall arise upon any question proposed in any consultation, the said Governor-General and Council shall be bound and concluded by the opinion and decision of the major part of those present ; and if it shall happen that, by the death or removal or by the absence of any of the members of the said Council, such as Governor-General and Council shall happen to be equally divided ; then, and in every such case, the said Governor-General or in his absence, the eldest counsellor present, shall have a casting voice, and his opinion shall be decisive and conclusive.

IX. And be it further enacted by the authority aforesaid that the said Governor-General and the Council, or the major part of them, shall have, and they are hereby authorised to have power of superintending and controlling the Government and management of the Presidencies of Madras, Bombay, and Bencoolen respectively, so far and insomuch as that it shall not be lawful for any President and Council of Madras, Bombay, or Bencoolen, for the time being make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or the treaty, with any such Indian Princes or powers, without the consent and approbation of the said Governor-General and Council first had been obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor-General and Council might arrive ; and except in such cases where the said Presidents and Councils respectively shall have received special order from the said United Company and any President and Council of Madras, Bombay, or Bencoolen, who shall offend in any of the cases aforesaid, shall be liable to be suspended from his or their office by the order of the said Governor-General and Council ; and every President and Council of Madras, Bombay and Bencoolen, for the time being shall, and they are hereby respectively directed and required to pay due obedience to such orders as they shall receive, touching the premises from the said Governor-General and Council for the time being, and constantly

and diligently to transmit to the said Governor-General and Council advice and intelligence of all transactions and matters whatsoever that shall come to their knowledge, relating to the Government, revenues, or interest, of the said United Company and the said Governor-General and Council for the time being shall, and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the Court of Directors of the said United Company, and to correspond, from time to time, and constantly and diligently transmit to the said court an exact particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge, relating to the Government commerce, revenues, or interest, of the government and the said United Company ; and the Court of Directors of the said Company, or their successors, shall and they are hereby directed and required, from time to time, before the expiration of fourteen days after the receiving any such letters or advices, to give in and deliver into the High Treasurer or Commissioners, of His Majesty's Treasury for the time being a true and exact copy of such parts of the said letters or advices as shall any way relate to the management of the revenue of the said Company ; and in like manner to give in and deliver to one of His Majesty's Principal Secretaries of State for the time being a true and exact copy of all such parts of the said letters or advices as shall any way relate to the civil or military affairs and Government of the said Company ; all which copies shall be fairly written, and shall be signed by two or more of the Directors of the said company.

X. And it is hereby further enacted, that Warren Hastings, Esquire, shall be the first Governor-General ; and that Lieutenant-General John Clavering, the Honourable George Monson, Richard Barwell, Esquire, and Philip Francis, Esquire, shall be the four first counsellors ; and they, and each of them, shall hold and continue in his and their respective offices for and during the term of five years from the time of their arrival at Fort William in Bengal, and taking upon them the Government of the said Presidency, and shall not be removable, in the mean time, except by His Majesty, his heirs and successors, upon representation made by the Court of the Directors, of the said United Company for the time being, and in case of the avoidance of the office of such Governor-General by death, resignation, or removal, his place shall, during the remainder of the term aforesaid, as often as the case shall happen, be supplied by the person of the Council who stands next in the rank to such Governor-General ; and, in case of the death, removal, resignation, or promotion, of any of the said Council, the Directors of the said United

Company are hereby empowered, for during the remainder of the said term of five years, to nominate and appoint, by and with the consent of His Majesty, his heirs and successors, to be signified under his or their sign manual, a person to succeed to the office so become vacant in the said Council, and until such appointment shall be made, all the powers and authorities vested in the Governor-General and Council shall rest and continue in, and be exercised and executed by, the Governor-General and Council remaining and surviving, and from and after the expiration of the said term of five years, the power of nominating and removing the succeeding Governor-General and Council shall be vested in the Directors of the said United Company.

XIII. And whereas His Late Majesty King George the Second did, by his letters patent, bearing date at Westminster the eighth day of January in the twenty-sixth year of his reign, grant unto the said United Company of Merchants of England trading to the East Indies his royal charter, thereby amongst other things, constituting and establishing courts of civil, criminal, and ecclesiastical Jurisdiction at the said United Company's respective settlements at Madras-Patnam, Bombay on the Island of Bombay, and Fort William in Bengal ; which said charter does not sufficiently provide for the due administration of justice in such manner as the state and the condition of the company's Presidency of the Fort William in Bengal, so long as the said company shall continue in the possession of the territorial acquisitions before mentioned, do and must require ; be it, therefore, enacted by the authority aforesaid, that it shall and may be lawful for His Majesty, by charter, or letter patent under the great seal of Great Britain to erect and establish a Supreme Court of judicature at Fort William aforesaid, to consist of a Chief Justice and three other judges, being barristers in England or Ireland, of not less than five years standing, to be named from time to time by His Majesty, his heirs and successors ; which said Supreme Court Judicature shall have, and the same court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction and to appoint such clerks, and other ministerial officers of the said Court, with such reasonable salaries, as shall be approved of by the said Governor-General and Council ; and to form and establish such rules of practice and such rules for the process of said Court, and to do all such other things as shall be found necessary for the administration of justice, and the due execution of all or any of the powers which, by the said charter shall or may be granted and commuted to the said court and also shall be at all times, court of record, and shall be a

court of eyer and terminer, and gaol delivery, in and for the said town of the Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto.

XIV. Provided nevertheless, and be it further enacted by the autority aforesaid, that the said new charter which His Majesty is hereinbefore empowered to grant, and the jurisdiction, powers, and authorities, to be thereby established shall and may extend to all British subjects who shall reside in the Kingdoms or provinces of Bengal, Behar, and Orissa, or any of them, under the protection of the said United Company and the same charter shall be competent and effectual; and the Supreme Court of Judicature therein and hereby to be established, shall have full power and authority to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanours, or oppressions, committed or to be committed ; and also to entertain, hear and determine any suits or actions whatsoever against of His Majesty's subjects in Bengal, Behar, and Orissa and any suit, or action or complaint, shall have arisen, have been employed by, or shall then have been directly or indirectly, in the services of the said United Company or any of His Majesty's subjects.

XXIII. And be it further enacted by the authority aforesaid, that no Governor-General or any of the Council of the said United Company's Presidency of Fort William in Bengal or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity or reward ; and that no Governor-General, or any of the said Council or any Chief Justice or Judge of the said court, shall carry on, be concerned in, or have any dealing or transactions by way of traffic or commerce of any kind whatsoever, either for his or their use or benefit profit or advantage, or for the benefit or advantage of any other person or persons whatsoever, (the trade and commerce of the said United Company only excepted) ; any usage or custom to the contrary thereof in anywise notwithstanding.

XXIV. And be it further enacted by the authority aforesaid, that from and after the first day of August, one thousand seven hundred and seventy four, no person holding or exercising any civil or military office under the crown, or the said United Company in the East Indies, shall accept, receive or take, direct or indirectly,

by himself, or any person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia) any pretence whatsoever ; or any promise or engagement for any present, gift, donation, gratuity or reward ; and if any person, holding and exercising any such civil or military office shall be guilty of any such offence, and shall be thereof legally convicted in such Supreme Court in any other of the said United Company's settlement where such offence shall have been committed ; every such person so convicted shall forfeit double the value of such present, gift, donation, gratuity, or reward, so taken and received ; one moiety of which forfeiture shall be to the said United Company and the other moiety to him or them who shall inform or prosecute for the same ; and also shall and may be sent to England, by the order of the Governor and Council of the Presidency or settlement where the offender shall be convicted, unless such person so convicted shall give sufficient security to remove him or themselves within twelve months after such conviction.

XXXVI. And be it further enacted by the authority aforesaid that it shall and may be lawful for the Governor-General and Council of the said United Company's settlement at Fort William in Bengal, from time to time, to make and issue such rules, ordinances, and regulations, for the good order and civil government of the said United Company's settlement at Fort William aforesaid and other factories and places subordinate, or to be subordinate thereto; as shall be deemed just and reasonable (such rules, ordinances, and regulations, not being repugnant to the laws of the realm) and to set, impose, inflict, and levy, reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations ; but nevertheless the same, or any of them, shall not be valid, or of any force or effect, until the same shall be duly registered and published in the said Supreme Court of judicature which shall be, by the said new charter, established, with the consent and approbation of the said court, which registry shall not be made until the expiration of twenty days after the same shall not be openly published, and a copy thereof affixed in some conspicuous part of the court-house or place where the said Supreme Court shall be held ; and from and immediately after such registry as aforesaid, the same shall be good and valid in law ; but, nevertheless, it shall be lawful for any person or persons in India to appeal therefrom to His Majesty, his heirs or successors, in Council, who are hereby empowered, if they think fit, to set aside and repeal any such rules, ordinances, and regulations respectively, so as such

appeal or notice thereof be lodged in the said new court of judicature, within the space of sixty days after the time of the registering and publishing the same ; and it shall be lawful for any person or persons in England to appeal therefrom in like manner, within sixty days after the publishing the same in England ; and it is hereby directed and required that a copy of such rules, ordinances, and regulations, from time to time as the same shall be so received, shall be affixed in some conspicuous and public place in the India House there to remain and be resorted to as occasion shall require ; yet nevertheless, such appeal shall not obstruct, impede, or hinder the immediate execution of any rule, ordinance, or regulations, so made and registered as aforesaid, until the same shall appear to have been set aside or repealed, upon hearing the determination of such appeal.

XXXVII. Provided always, and be it enacted by the authority aforesaid, that the said Governor-General and Council shall, and they are hereby required, from time to time, to transmit copies of all such rules, ordinances, and regulations, as they shall make and issue, to one of His Majesty's principal Secretaries of State for the time being, and that it shall and may be lawful to and for His Majesty, his heirs and successors, from time to time, as they shall think necessary, to signify to the said United Company, under his or their sign manual, his or their disapprobation and disallowance of all such rules, ordinances, and regulations , and that from and immediately after the time that such disapprobation shall be duly registered and published in the said Supreme Court of Judicature at Fort William in Bengal, all such rules, ordinances, and regulations, shall be null and void ; but in case His Majesty, his heirs and successors shall not, within the space of two years from the making of such rules, ordinances, and regulations, signify his or their disapprobation or disallowance thereof, as aforesaid, that then, and in that case, all such rules, ordinances, and regulations, shall be valid and effectual and have full force.

XXXVIII. And be it further enacted by the authority aforesaid, that the Governor-General and Council for the time being of the said United Company's settlement at Fort William aforesaid, and the Chief Justice and other Judges of the said Supreme Court of Judicature, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as justices of the peace for the said settlement, and for the several settlements and factories subordinate thereto ; and to do and transact all matters and things which to the office of a justice or justices of the peace do belong and appertain ; and for the purpose the said Governor-Gene-

ral and Council are hereby authorized and empowered to hold quarter sessions within the said settlement of Fort William aforesaid four times in every year, and the same shall be at all times a court of record.

XXXIX. And be it further enacted by the authority aforesaid, that if any Governor General or Council of any of the said Company's principal or to the other settlements in India, or the Chief Justice, or any of the Judges of the said Supreme Court of Judicature, to be by the said new charter established; or of any other court in any of the said United Company's settlements, or any other person or persons who now are, or heretofore have been employed by or in the service of the said United Company, in any civil or military station office, or capacity, or claimed, any power or authority or jurisdiction, by or from the said United Company, or any of His Majesty's subjects residing in India shall commit any offence committed against any of His Majesty's subjects or any of the inhabitants of India within their respective jurisdictions, all such crimes, offences and misdemeanours, may be respectively inquired of, heard, tried, and determined in His Majesty's Court of King's Bench, and all such persons so offending, and not having been before tried for the same offence in India shall, on conviction, in any such case as is not otherwise specially provided for by this Act, be liable to such fine or corporal punishment as the other said court shall think fit ; and moreover shall be liable, at the descretion of the said Court, to be adjudged to be incapable of serving the said United Company in any office, civil or military, and all and every such crimes, offences, and misdemeanours, as aforesaid may be alleged to be committed, and may be laid, inquired of, and tried in the county of Middlesex.

XL. And whereas the provisions made by former laws for the hearing and determining in England offences committed in India have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there, be it further enacted by the authority aforesaid, that in all cases of indictments or informations, laid or exhibited in the said court of King's Bench, for shall and may be lawful for His Majesty's said Court, upon motion to be made on behalf of the prosecutor, or of the defendant or defendants, to award a writ or writs of mandamus, requiring the Chief Justice and Judges of the said Supreme Court of Judicature for the time being, or the Judges of the Mayor's Court at Madras, Bombay, or Bancoolen as the case may require, who are hereby respectively authorized and required accordingly to hold a court, with all convenient speed, for the examination of witnesses, and receiving other proofs concerning

the matters charged in such indictments or informations respectively ; and, in the meantime, to cause such public notice to be given of the holding of the said court and to issue such summons or other process, as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and to adjourn, from time to time as occasion may require, and such examination as aforesaid shall be then and there openly and publicly taken viva voce and in the said court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the form of their several religions, and shall, be some sworn officer of such Court, be reduced into one or more writing or writings on parchment in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to His Majesty, in his Court of King's bench, closed up, and under the seals of two or more of the said judges shall deliver the same to the agent or agents of the party or parties requiring the same ; which said agent or agents or in case of his or their death, the person into whose hands the same shall come, shall deliver the same to one of the clerks in court of His Majesty's court of King's Bench, in the public office, and make oath and be received the same from the hands of one or more of the judges of such court in India or if such agent be dead ; in what manner the same has not been opened, or altered, since he so received it (which said oath such clerk in court is hereby authorized and required to administer) ; and such depositions, being duly taken and returned, according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined viva voce at any trial for such crimes or misdemeanours, as aforesaid, in His Majesty's said Court of King's Bench, any law or usage to the contrary notwithstanding and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges.

XLI. And be it further enacted by the authority aforesaid that in case the said Supreme Court's Chief Justice or Judges of Judicature, or any of them, for the time being, shall commit any offence against this Act, or be guilty of any corrupt practice or other crime, offence, or misdemeanour, in the execution of their respective offices, it shall and may be lawful for His Majesty's said Court of King's Bench in England, upon an information or indictment laid or exhibited in the said court for such crime, offence, or misdemeanour, upon motion to be made in the said Court, to award such writ or writs of *mandamus*, as aforesaid, requiring the Governor-General, and Council of the said United Company's settlement at Fort William

aforesaid, who are hereby respectively authorized and required accordingly to assemble themselves in a reasonble time, and to cause all such proceedings to be had and made as are hereinbefore respectively directed and prescribed concerning the examination of witness; and such examination so taken, shall be returned and proceeded upon in the same manner directions hereinbefore prescribed and enacted in that behalf were again repeated,"

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EAST INDIA COMPANY ACT, 1784 (24 Geo. III. s. 2, c. 25)*

"An act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India; and for establishing a Court of Judicature for the more speedy and effectual trial of persons accused of offence committed in the East Indies.

For the better government and security of the territorial possessions of this kingdom in the East Indies, be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same. That it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any commission to be issued under the great seal of Great Britain, to nominate and appoint such persons, not exceeding six in number, as His Majesty's Principal Secretaries of State for the time being and the Chancellor of the Exchequer for the time being, shall be two, to be, and who shall accordingly, Commissioners for the affairs of India.

II. And be further enacted by the authority aforesaid, that any number, not less than three of the said commissioners shall form a Board for executing the several powers which, by this or any other act, shall be vested in the Commissioners aforesaid.

III. And be it further enacted, that the said Secretary of State, and in his absence, the said Chancellor of the Exchequer, and in the absence of both of them, the senior of the said other Commissioners, according to his rank in seniority of appointment, shall preside at, and be President of the said Board, and that the said Commissioners shall have, and they are hereby invested with, the superintendence and control over all the British territorial possessions in the East Indies, and over the affairs of the United Company of Merchants trading thereto, in manner hereinafter directed.

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*Keith, A.B. *Speeches and Documents on Indian Policy, 1750-1921*, Vol. I p .95-114.

Also in

Mukherji, P. *Indian Constitutional Documents, 1773-1915.* p. 9-27.

Banerjee, A.C. *Indian Constitutional Documcnts, Vol. I,* p. 65-84.

IV. And be it further enacted, that in case the members present at the said Board shall at any time be equally divided in opinion, in respect to every such case, the then President of the said Board shall have two voices, or other casting vote.

V. And be it further enacted, that it shall and may be lawful for the King's Majesty, his heirs and successors, from time to time, at his and their will and pleasure, to revoke and determine the commission aforesaid, and from time to time cause any new Commission or Commissions to be sealed as aforesaid, for appointing any other person or persons, being of His Majesty's most honourable Privy Council of whom, one of his Majesty's Principal Secretaries of State, and the Chancellor of the Exchequer for the time being, shall always be two, to be Commissioners and Members of the heirs or successors, shall think fit, so that the number of commissioners therein to be named shall in no wise exceed the aforesaid number of six.

VI. And be it further enacted, that the said Board shall be fully authorized and empowered, from time to time, to superintend, direct, and control, all acts, operations, and concerns, which in any wise relate to the civil or military government or revenues of the British territorial possessions in the East Indies, in the manner hereinafter directed.

VII. And, to the intent that the said Board may be duly informed of all transactions, of the said company, in respect to the management of their concerns in the East Indies; be it further enacted that all the members of the said Board shall at all convenient times, have access to all papers and minutes of the said United Company, and shall be furnished with such extracts or copies thereof, as they shall from time to time require; and that the Court of Directors of the said United Company shall, and they are hereby required and directed, to deliver to the said Board, copies of all minutes, orders, resolutions, and other proceedings, of all general and special courts of proprietors of the said company, and of the Court of Directors so far as relate to the civil or military government or revenues of the British territorial possessions in the East Indies, within eight days after the holding of such respective courts; and also copies of all dispatches which the said Directors, or any Committee of the said Directors, shall receive from any of their servants in the East Indies, immediately after the arrival thereof; and also copies of all letters, orders, and instructions whatsoever, relating to the civil or military government or revenues of the British territorial possessions in the East Indies, proposed to be sent or dispatched by the said Court of Directors, or any of the servants

of the said company in the East Indies, and that the said Court of Directors of the said United Company shall, and they are hereby required to, pay due obedience to and, shall be governed and bound by, such orders and directions as they shall from time to time receive from the said Board touching the civil or military government and revenues of the British territorial possessions in the East Indies.

XII. And be it further enacted, that, within fourteen days after the receipt of such copies last mentioned, the said Board shall return the same to the said Court of Directors, with their approbation thereof, subscribed by three of the members the said Board or their reasons at large for disapproving the same, together with instructions from the said Board to the said Court of Directors, in respect hereto ; and that the said Court of Directors shall thereupon dispatch and send the letters, orders, and instructions so approved or amended, to their servants in India, without further delay, unless on any representation made by the said Directors to the said Board, the said Board shall direct any alteration to be made in such letters, order, or instructions, and no letters, orders, or instructions, until after such previous communication thereof to the said Board, shall at any time be sent or dispatched by the said Court of Directors of the East Indies, on any account or pretence whatsoever.

XIII. And, for the readier dispatch of the civil and military concerns of the said United Company, be it further enacted, that whenever, the Court of Directors of the said United Company shall neglect to transmit to the said Board their intended dispatches on any subject, within fourteen days after requisition made, it shall and may be lawful to and for the said Board to prepare and send to the Directors of the East India company (without waiting for the receipt of the copies of dispatches intended to be sent by the said Court of Directors as aforesaid) any orders or instructions to any of the government or presidencies aforesaid, concerning the civil and military government of the British territories and possessions in the East Indies ; and the said Directors shall, and they are hereby required to transmit dispatches in the usual form (pursuant to the tenor of the said orders and instructions so transmitted to them) to the respective government and presidencies in India, unless on any representation made by the said Director to the said Board, touching such orders or instructions, the said Board shall direct any alteration to be made in the same which directions the said Court of the Directors shall in such case be bound to conform to.

XIV. And be it further enacted, that in case the said Board shall send any orders or instructions to the said Court of Directors,

to be by them transmitted to India, which in the opinion of the said Court of Directors, shall relate to points not connected with the civil or military government and revenues of the said territories and possessions in India, then, and in any such case it shall be lawful for the said Court of Directors to apply, by petition, to His Majesty in Council, touching such orders and instructions; and His Majesty in Conncil shall decide whether the same be, or be not, connected with the civil or military government and revenues of the said territories and possessions in India; which decision shall be final and conclusive.

XV. Provided nevertheless, and be it further enacted, that if the said Board shall be of opinion that the subject matter of any of their deliberations concerning the levying of war or making of peace, or treating or negotiating with any of the native princes or states in India, shall require secrecy it shall and may be lawful for the said Board to send secret orders and instructions to the Secret Committee of the said Court of Directors for the time being, who shall thereupon, without disclosing the same, transmit their orders and dispatches in the usual form, according to the tenor of the said orders and instructions of the said Board to the respective government and presidencies in India; and dispatches, and shall return their answers to the same, sealed (under cover) with their respective seals to the said Secret Committee, who shall forthwith communicate such answers to the said Board.

XVI. And be it enacted by the authority aforesaid, that it shall and may be lawful to and for the Court of Directors of the said United Company for the time being, and they are hereby required, from time to time to appoint a Secret Committee, to consist of any number of the said Directors for the time being, not exceeding three; which Secret Committee shall, from time to time, upon receipt of any such secret orders and instructions concerning the levying of war or making of peace, or treating or negotiating with any of the native princes or states of India, from the said Commissioners for the Affairs of India, as are hereinbefore mentioned, transmit to the respective governments and presidencies in India a duplicate or duplicates of such orders and instructions together with orders in writing, signed by them the members of the said Secret Committee, to carry the same into execution; and to all such orders and instructions, so transmitted, the several governments and presidencies in India are hereby required to pay the same obedience as if such orders and directions had been issued and transmitted by the Court of Directors of the said United Company.

XVII. Provided also, and be it further enacted and declared, by the authority aforesaid, that nothing in this act contained shall extend to give unto the said Board the power of nominating or appointing any of the servants of the said United Company ; and any thing herein contained to the contrary notwithstanding.

XVIII. And be it further enacted, that as soon as the office of any one of the counsellors of the presidency of Fort William in Bengal (other than the Commander-in-Chief) shall become vacant by death, removal, or resignation, the vacancy so happening shall not be supplied by the said Court of Directors, but the said Supreme Government shall from thenceforth consist of Governor-General and three supreme counsellors only ; and that the Commander-in-Chief of the Company's forces in India for the time being, shall have voice and precedence in Council next after the said Governor-General ; and any thing in any former act of Parliament contained to the contrary notwithstanding.

XIX. And be it further enacted that the Government of the several presidencies and settlements of Fort Saint George and Bombay shall, after the commencement of this Act, consist of a Governor or President, and three counsellors only, of whom the Commander-in-Chief in the said several settlements for the time being shall be one, having the like precedence in council as in the presidency of Fort William in Bengal, unless the Commander-in-Chief of the Company's forces in India shall happen to be present in either of the said settlements ; and in such case the said Commander-in-Chief shall be one of the said counsellors, instead of the Commander-in-Chief of such settlement ; and that the said Commander-in-Chief of such settlement shall during such time have only a seat, but no voice in the said Council.

XX. And be it further enacted, that the Court of Directors of the said United Company shall, within the space of one calendar month next after the passing of the Act, nominate and appoint, from amongst the servants of the said Company in India or any other persons, a fit and proper person to be the Governor of the said Presidency or Settlement of Fort Saint George, and two other fit and proper persons from amongst the said servants in India, who, together with the Commander-in-Chief at Fort Saint George for the time being, shall be the Council of the same presidency or settlement ; and that the said Court of Directors shall also, in like manner, and within the time aforesaid, nominate and appoint fit and proper persons to be the Governor and Council of the said Presidency or settlement of Bombay, under the same restrictions as are here-

inbefore provided in respect to the Governor and President and Council of Fort Saint George.

XXI. And be it further enacted, that in case the members present at any of the Boards or Councils of Fort William, Fort Saint George, or Bombay, shall at any time be equally divided in opinion in respect to any matter depending before them then, and in every such case, the said Governor-General or the Governor or President, as the case may be shall have two voices, or the casting vote.

XXII. And be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors by any writing or instrument under his or their sign manual, countersigned by the said Secretary of State, or for the Court of Directors of the said United Company for the time being, by writing under their hands, to remove or recall the present or any future Governor-General of Fort William at Bengal, or any of the members of the Council of Fort William aforesaid, or any of the governors or presidents, and members of the Councils, of the Presidencies or Settlements of Fort Saint George and Bombay, or of any other person or persons holding any office, employment, or commissions civil or military, under the said United Company in India, for the time being, and to vacate and make void all and every or any appointment or appointment of any person or persons to any of the offices or places aforesaid ; and that all and every powers and authorities of the respective persons so removed or recalled, or whose appointment shall be so vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and directed ; provided always, that a duplicate or copy of every such writing or instrument, under His Majesty's sign manual, attested by the said Secretary of State for the time being, shall within eight days after the same shall be signed by His Majesty, his heirs or successors, be transmitted or delivered, by the said Secretary of State, unto the Chairman or Deputy Chairman for the time being of the said United Company, to the intent that the Court of Directors of the said Company may be apprised thereof.

XXIII. And be it further enacted, that whenever any vacancy or vacancies of the office of Governor General or President or of any member of the Council, shall happen in any of the presidencies aforesaid, either by death, resignation, or recall, as aforesaid, then and in such case the Court of Directors, of the said United Company shall proceed to nominate and appoint a fit person or persons to supply such vacancy or vacancies from amongst their covenanted servants in India, except to the office of the Governor-General or

the Office of Governor or President of Fort Saint George or Bombay or of any Commander-in-Chief to which several offices the said Court of Directors, shall be at liberty, if they shall think fit, to nominate and appoint any other person or persons respectively.

XXIV. Provided always, and be it further enacted, that the said Commanders-in-Chief, at each of the said presidencies respectively, shall in no case succeed to the office of Governor-General or President of Fort William, Fort Saint George, or of Bombay unless thereunto specially appointed by the Court of Directors of the said United Company ; but that in case of the vacancy of the said offices of Governor-General or President respectively, when no person shall be specially appointed to succeed thereunto, the Counsellor next in rank to such Commander-in-Chief shall succeed to such office, and hold the same until some other person shall be appointed thereunto by the said Court of Directors.

XXV. Provided always, and be it further enacted, that when and so often as the Court of Directors shall not, within the space of two calendar months, to be computed from the day wherein the notification of the vacancy shall have been received by the said Court of Directors, proceed to supply the same, then and in any such case, and so often as the same shall happen, it shall be lawful for His Majesty, his heirs and successors, to constitute and appoint, by writing under his or their royal sign manual under the same restrictions and regulations as are hereinbefore provided, with respect to the nominations and appointments made by the said Court of Directors, such person or persons as His Majesty, his heirs and successors, shall think proper to succeed to and supply the respective office or place, offices or places, so vacant or from which any person or persons shall be so recalled or removed, or whose appointment or appointments shall have been vacated and made void as aforesaid; and that every person or persons so constituted and appointed, and shall have and be invested with the same powers, privileges and authorities as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recall only by the King's Majesty, his heirs or successors. ; anything herein contained to the contrary notwithstanding.

XXVI. And be it further enacted, by the authority aforesaid, that it shall and may be lawful to and for the Court of Directors of the said United Company, if they shall so think fit, subject to the like limitations and restrictions as are hereinbefore enacted, respecting the persons qualified to be appointed members of the Government of the respective settlements of the said United Company at Fort William, Fort Saint George, and Bombay, to appoint, from time to

time fit and proper persons to succeed, in case of vacancy, to several offices of Governor-General or President of Fort Saint George or Bombay, or Commander-in-Chief of the said Company's forces at any of the said settlements or member of any of the said Council, and such appointment respectively at their pleasure again to revoke ; but that no person so appointed to succeed to any of the said offices in case of vacancy, shall be entitled to any salary, advantage, or allowance whatsoever, by reason of such appointment, until such persons respectively shall take upon themselves the offices to which they shall so respectively have been appointed.

XXVII. And be it further enacted by the authority aforesaid that when and so often as the number of members of any of the said Councils of Fort William, Fort Saint George, or Bombay, shall by death, or absence, by reason for sickness or otherwise for fourteen days be reduced to two including the Governor-General or President of such Council, the person who shall stand senior in such provisional appointment as is hereinbefore mentioned, or in case there shall be no such appointment then the senior civil servant of the said Company upon the spot, shall be called to such council and shall have a voice therein like manner as if he had been appointed thereunto by the Court of Directors of the said Company, and shall hold such office in case the vacancy shall have happened by death, until a successor thereunto shall be appointed by the said Court of Directors ; or if such vacancy shall have happened by absence or sickness until the return or recovery of such or sick absent member and that all persons so exercising the office of a Counsellor at any of the said presidencies shall be entitled for the time he shall so hold the same to the like advantages, as if he had been thereunto permanently appointed by the said Court of Directors.

XXVIII. And, be it further enacted that no resignation to be made of the offices of the Governor-General, or Governor or President of any of the subordinate settlements, or Commander in-Chief or members of the respective councils of any of the said presidencies in India, shall be deemed or construed to be legal or valid or shall be accepted as such, unless the same be made by an instrument in writing under the hand of the officers or person resigning the same.

XXIX. And be it further enacted, that no order or resolution of any General Court of the proprietors of the said United Company shall be available to revoke or rescind, or in any respect to affect, any act, order, resolution, matter or proceeding, of the said Court of Directors, by this Act directed or authorized to be made or done by the said Court after the same shall have been approved by the

said Board, in the manner hereinbefore directed ; any law or usage to the contrary notwithstanding.

XXX. And be it further enacted, that so much and such parts of an Act, made in the twenty-first year of the reign of his present Majesty, as directs the Court of Directors of the said United Company to deliver to the Commissioners of the Treasury, or to the High Treasurer for the time being, or to one of His Majesty's Principal Secretaries of State copies of any letters or orders relating to the management of the revenues, or to the civil and military affairs of the said Company and also all such powers and authorities given to or vested in the Proprietors and Directors of the said United Company, or in any General or Special Court thereof respectively, in and by any Act of Parliament or Charter, as are contrary or repugnant to this Act or anything herein contained, shall be, and the same are hereby repealed ; anything contained in any act or charter, or any custom or usage to the contrary notwithstanding.

XXXI. And be it further enacted, that the Governor-General and Council of Fort William aforesaid shall have power and authority to superintend, control, and direct the several presidencies and governments now or hereafter be erected or established in the East Indies by the said United Company in all such points as relate to any transactions with the country powers, or to war or peace ; or to the application of the revenues or forces of such presidencies and settlements in time of war, or any such points as shall, from time to time be specially referred by the Court of Directors of the said Company to their superintendence and control.

XXXII. And, in order to prevent the embarrassment and difficulty which may arise from any question, whether the orders or instructions of the Governor-General and Council of Fort William relate to other points than those aforesaid, be it further enacted, that notwithstanding any doubt which may be entertained by the said presidencies or settlements to whom such orders or instructions shall be given, respecting the power of the Governor-General and Council to give such orders yet the presidencies or settlements shall be bound to obey such orders and directions of the said Governor-General and Council in all cases whatever, except only where they shall have received positive orders and instructions from the said Court of Directors, or from the Secret Committee of the said Court of Directors, repugnant to the orders and instructions of the said Governor-General and Council, and not known to the said Governor-General and Council at the time of the dispatching their orders and instructions as aforesaid ; and the said Governor-General and Council

shall at the time of transmitting all such orders and instructions, transmit therewith the dates of and times of receiving, the last dispatches, orders, and instructions, which they have received from the Court of Directors, or from the Secret Committee of the said Court of Directors, or any of the points contained therein ; and the said presidencies and governments in all cases where they have received any orders from the said Governor-General and Council of Fort William, and which were not known to the said Governor-General and Council at the time of dispatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all resolutions or orders made by them in consequence thereof to the Governor-General and Council of Fort William, who shall, after the receipt of the same, dispatch such further orders and instructions to the said presidencies and settlements as they may judge necessary thereupon.

XXXIII. And be it further enacted, that the Governor-General and Council of Fort William aforesaid, and the several Presidents and Counsellors of Fort Saint George and Bombay shall, at their several and respective Boards and Councils, proceed, in the first place, to the consideration of such questions and business as shall be proposed by the said Governor-General or Presidents respectively ; and when and so often as any matter or question shall be propounded at any of the said Boards or Councils, by any of the Counsellors thereof, it shall be competent to the said Governor-General and Presidents respectively, to postpone or adjourn the discussion of the matter or question so propounded to a future day ; provided always, that no such adjournment shall exceed forty-eight hours not the matter or question so proposed be adjourned more than twice without the consent of the Counsellor who originally proposed the scheme.

XXXIV. And whereas to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation ; be it therefore, further enacted by the authority aforesaid, that it shall not be lawful for the Governor-General and Council of Fort William aforesaid, without the express command and authority of the said Court of Directors, or of the Secret Committee of the said Court of Directors, in any case, except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities, against the British nation in India, or against some of Princes or state dependent thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guarantee, either to declare war or commence hostilities or enter into any treaty

for making war, against any of the country Princes or States in India, or any treaty for guaranteeing the possessions of any Country Princes or States ; and that in such case it shall not be lawful for the said Governor-General and Council to declare war or commence hostilities, or enter into any treaty for making war, against any other Prince or State than such as shall be actually committing hostilities, or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any Prince or State, but upon the consideration of such Prince or State actually engaging to assist the company against such hostilities commenced, preparations made as aforesaid ; and in all cases or where hostilities shall be commenced, or treaty made, the said Governor-General and Council shall by the most expeditious mean they can devise, communicate the same unto the said Court of Directors, together with a full state of the information and intelligence upon which they have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.

XXXV. And be it further enacted, that it shall not be lawful for the Governors or Presidents, and counsellors, of Fort Saint George and Bombay, or of any other subordinate settlements respectively, to make or issue any order for commencing hostilities or levying war, or to negotiate or conclude any treaty of peace or other treaty, with any Indian Prince or State (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty) unless in pursuance of express orders from the said Governor-General and Council of Fort William aforesaid, or from the said Court of Directors, or from the Secret Committee of the said Court of Directors ; and every such treaty shall, if possible contain a clause for subjecting the same to the ratification or rejection of the Governor-General and Council of Fort Saint George and Bombay or other subordinate settlement, are hereby required to yield due obedience to all such orders as they shall from time to time respectively receive from the said Governor-General and Council of Fort William aforesaid concerning the premises.

XXXVI. And be it further enacted that all and singular the said Presidents and counsellors who shall wilfully refuse to pay due obedience to such orders and instructions as they shall receive from the said Governor-General and Council of Fort William as aforesaid, shall be liable to be suspended powers, by order of the said Governor-General and Council of Fort William ; and all and every of them are hereby further required, constantly and diligently to transmit to the said Governor-General and Council of Fort

William aforesaid true and exact copies of all orders, resolutions, and Act in Council, of their respective governments, presidencies and councils and so also advice and intelligence of all transactions and matters which shall come to their knowledge, material to be communicated to the Governor-General and Council of Fort William aforesaid, or which the said Governor-General and Council shall from time to time require."

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GOVERNMENT OF INDIA ACT, 1833 (3 & 4 WILL. 4, C. 85)*

III. "Provided always, and be it enacted, that from and after the said twenty-second day of April one thousand eight hundred and thirty-four the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, continued to the said company by the said Act of the fifty-third year of King George the Third, shall cease.

IV. And be it enacted, that the said company shall, with all convenient speed after the said twenty second day of April one thousand eight hundred and thirty-four close their commercial business, and make sale of all their merchandize and effects at home and abroad, distinguished in their account books as commercial assets, and all their warehouses, land, tenements, hereditaments, and property whatsoever which may not be retained for the purposes of the Government of the said territories, and get in all debts due to them on account of the commercial branch of their affairs, and reduce their commercial establishments as the same shall become unnecessary, and discontinue and abstain from all commercial business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold or which shall not be carried on for the purposes of the said Government.

XXXIX. And be it enacted that the superintendence, direction and control of the whole civil and military Government of all the said territories and revenues in India shall be and is hereby invested in Governor-General and Counsellors, to be styled 'The Governor-General of India in Council.'

XL. And be it enacted, that there shall be four ordinary members of the said Council, three of whom shall from time to time be ap-

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*Keith, A.B. *Speeches and Documents on Indian Policy, 1750-1921.* Vol. I, pp. 266-274.

Also in

Mukherji, P. *Indian Constitutional Documents, 1773-1915.* pp. 40-59.

Banerjee, A.C. *Indian Constitutional Documents, Vol. I,* pp. 198-220.

pointed by the said Court of Directors from amongst such persons as shall be or shall have been servant of the said Company ; and each of the said three ordinary members of Council shall at the time of his appointment have been in the service of the said Company for the last ten years ; and if he shall be in the military service of the said Company, he shall not during his continuance in office as a member of Council hold any military command, or be employed in actual military duties, and that the fourth ordinary member of Council shall from time to time be appointed from amongst persons who shall not be servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his Royal Sign Manual, countersigned by the President of the said Board provided that such last mentioned Member of Council shall not be entitled to sit or vote in the said Council except at meetings thereof for making laws and regulations ; and it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's forces in India, and if there shall be no such Commander-in-Chief, or the office of such Commander-in-Chief and of Governor-General of India shall be vested in the same person then the Commander-in-Chief of the forces on the Bengal establishment, to be an extraordinary member of the said Council, and such extraordinary member of Council shall rank and precedence at the Council Board, next after the Governor-General.

XLI. And be it enacted, that the person who shall be Governor-General of the Presidency of Fort William in Bengal on the twenty-second day of April one thousand eight hundred and thirty four shall be the first Governor-General of India under this act, and such persons as shall be members of Council of the same Presidency on that day shall be respectively members of the Council constituted by this Act.

XLII. And be it enacted, that all vacancies happening in the office of Governor-General of India shall from time to time be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his Royal Sign Manual, countersigned by the President of the said Board.

XLIII. And be it enacted, that the said Governor-General-in-Council shall have power to make laws and regulations for the repealing, amending, or altering any laws or regulations whatever now in force or hereafter to be in force in the said territories or any part thereof and to make laws and regulations, for all persons, whether British or native, foreigners or others, and for all courts of justice, whether established by His Majesty's charters or otherwise, and the jurisdictions hereof, and for all places and things

whatsoever within and throughout the whole and every part of the said territories, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company ; and except that the said Governor-General-in Council shall not have the power of making any laws or regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this act, or any of the provisions of the acts for punishing mutiny and desertion of officers and soldiers, whether in the services of His Majesty or the said Company, or any provisions of any act hereafter to be passed in anywise affecting the said Company or the said territories or the inhabitants thereof, or any laws or regulations which shall in any way affect any prerogative of the Crown, or the authority of Parliament, or the constitution or rights of the said Company or any part of unwritteen laws or Constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories.

LI. Provided always, and be it enacted, that nothing be herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof ; and it is expressly declared that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede or prevent all proceedings and acts whatsoever of the said Governor-General-in-Council, and to repeal and alter at any time any law or regulation whatsoever made by the said Governor-General-in-Council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed ; and the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said Governor-General in-Council shall be transmitted to England, and laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India.

LII. And be it enacted, that all enactments, provisions, matters and things relating to the Governor-Goneral of Fort William in Bengal in Council and the Governor-General of Fort William in Bengal alone, respectively, in any other act or acts contained, so far as the same are now in force, and not repealed by or repugnant to the provisions of this act shall continue and be in

force and be applicable to the Governor-General of India alone, respectively.

LIII. And whereas it is expedient that subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period and that such laws as may be applicable in common to all classes of inhabitants of the said territories due regards being had to the rights, feelings, and that all laws and customs should having the force of law within the same territories should be ascertained and consolidated, and as occasion may require amended ; be it therefore enacted, that the said Governor-General of India in Council shall as soon as conveniently may be after the passing of this act, issue a commission, and from time to time commissions, to such persons as the said Court of Directors, with the approbation of the said Board of Commissioners, shall recommend for the purpose, and to such other person, if necessary, as the said Governor-General-in-Council shall think fit, all such persons not exceeding in the whole at any one time five in number, and to be styled the Indian Law Commissioners, with all such powers as shall be necessary for the purposes hereinafter mentioned, and the said Commissioners shall fully inquire into the jurisdiction, powers, and rules of existing courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all law, whether civil or criminal written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories whether Europeans or others, are now subject ; and the said commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said courts of justice and police establishments, form of Judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and different parts of the said territories.

LXXXI. And be it enacted, that it shall be lawful for any natural born subjects of His Majesty to proceed by sea to any port or place having a custom-house establishment within the said territories, and to reside thereat or to proceed to and reside in or pass through any part of such of the said territories as were under the Government of the said Company on the first day of January one thousand eight hundred, and in any part of country ceded by the Nabab of

the Carnatic ; of the provinces of Cuttack, and of the settlements of Singapore and Malacca, without any licence whatever, provided that all subjects of His Majesty not natives of the said territories shall, on from any port or place not within the said territories, make known in writing their names, places of destination, and objects of pursuit in India, to the chief officer of the customs or other officer authorized for that purpose at such port or place as aforesaid.

LXXXV. And whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischief or dangers that may arise therefrom, be it, therefore, enacted, that the said Governor-General-in-Council shall and he is hereby required, by law or regulations, to provide with all convenient speed for the protection of the natives of the said territories from insult and outrage in their persons, religions or opinions.

LXXXVII. And be it enacted, that no native of the said territories, not any natural-born subject of His Majesty resident therein shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, or employment under the said company.

CIII. And whereas it is expedient to provide for the due qualifications of persons to be employed in the Civil Service of the said Company in the said territories, be it, therefore, enacted, that the said Governor-General of India in Council shall as soon as may be after the first day of January in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons who in the opinion of the said Governor-General-in-Council, will be necessary, in addition to those already in India or likely to return from Europe, to supply the expected vacancies in the civil establishments of the respective governments in India in such one of the subsequent years as shall be fixed in the rules and regulations hereinafter mentioned and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons, for such reduction be given to the said Court of Directors ; and in the month of June in every year, if the said estimate shall have been then received, the said Board, and if not, then within one month after such estimate shall have been received the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as candidates for admission, and what number of students shall be admitted to the college of the said Company at Haileybury in the then current year, but so that at least for such candidates, no one of the whom shall be under the age of seventeen or above the age of twenty years, be nominated, and no more than

one student admitted for every such expected vacancy in the said civil establishments, according to such estimate or reduced estimate as aforesaid ; audit shall be lawful for the said Court of Directors to nominate such a number of candidates for admission to the said college as shall be mentioned in the certificate of the said Board ; and if the said Court of Directors shall not within one month after the receipt of such certificates nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

CV. And be it enacted, that the said Candidates for admission to the said College shall be subjected to an examination in such branches of knowledge and by such examiners as the said Board shall direct, and shall be classed in a list to be prepared by the examiners, and the Candidates whose names shall stand highest in such list shall be admitted by the said Court as Students in the said College until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.".

THE GOVERNMENT OF INDIA ACT, 1858

(An Act for the Better Government of India, August 2, 1858)

NOTE. The greater political shake up of 1857-58 remembered by historians as the Indian Muntiy, the Sepoy War, the Indian Revolt or the First War of Independence, was a great event in the Constitutional history of India. It not only proved fatal to the Mughal Empire and laid to dust the last hope of a Maratha revival but also brought into light defects in the East India Company's administration. It created a stir in the minds of rightly thinking legislators and public men of England. The result was that both the Government and Parliament of Great Britain, thereupon, decided that India should have a better Government and it should be directly governed by the Crown.

THE GOVERNMENT OF INDIA ACT, 1858*

(*An Act for the Better Government of India, August 2, 1858*)

Whereas by the Government of India Act, 1853, the territories in the possession and under the Government of the East India Company were continued under such Government in trust for Her Majesty, until Parliament should otherwise provide, subject to the

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*Keith, A.B. *Speeches and Documents on Indian Policy*, 1750-1921, Vol. I, pp. 370-382.
Also in
Mukherji, P. *Indian Constitutional Documents*, 1773-1915, pp. 90-104.
Banerji, A.C. *Indian Constitutional Documents*, Vol. II, pp. 9-22.

provisions of that Act, and of other Acts of Parliament, and the property and rights in the said Act referred to are held by the said Company in trust for Her Majesty for the purpose of the said Government :

And whereas it is expedient that the said territories should be governed by and in the name of Her Majesty, Be it enacted....

1. The Government of the territories now in the possession or under the Government of the East India Company, and all powers in relation to Government vested in, or exercised by, the said Company in trust for Her Majesty, shall cease to be vested in, or exercised by, the said Company ;

and all territories in the possession or under the government of the said Company, and all rights vested in, or which if this Act had not been passed might have been exercised by the said Company in relation to any territories, shall become vested in Her Majesty, and be exercised in her name ; and for the purposes of this Act India shall mean the territories vested in Her Majesty as aforesaid, and all territories which may become vested in Her Majesty by virtue of any such rights as aforesaid.

* * * *

2. India shall be governed by and in the name of Her Majesty, and all rights in relation to any territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised by and in the name of Her Majesty as rights incidental to the Government of India ; and all the territorial and other revenues of or arising in India and all tributes and other payments in respect of any territories which would have been receivable by or in the name of the said Company if this Act had not been passed, shall be received for and in the name of Her Majesty, and shall be applied and disposed of for the purposes of the Government of India alone, subject to the provisions of this Act.

* * * *

3. Save as herein otherwise provided, one of Her Majesty's Principal Secretaries of State shall have and perform all such or the like powers and duties in any-wise relating to the Government or revenues of India, and all such or the like powers over all officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the direction or with the sanction or approbation of the Commissioners for the Affairs of India in relation to such

government or revenues, and the officers and servants of the said Company respectively, and all such powers as might have been exercised by the said Commissioners alone ;

and any warrant or writing under Her Majesty's Royal Sign Manual, which by the Act of the session holden in the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners of the Affairs of India, shall in lieu of being so countersigned be countersigned by one of Her Majesty's Principal Secretaries of State.

* * * *

6. In case Her Majesty be pleased to appoint a fifth Principal Secretary of State, there shall be paid out of the revenues of India to such Principal Secretary of State and to his Under-Secretaries respectively the like yearly salaries as may for the time being be paid to any other of such Secretaries of State and his Under-Secretaries respectively.

* * * *

7. For the purposes of this Act a Council shall be established, to consist of fifteen members, and to be styled the Council of India ; and henceforth the Council in India now bearing that name shall be styled the Council of Governor-General of India.

* * * *

8. Within fourteen days after the passing of this Act the Court of Directors of the East India Company shall, from among the persons then being Directors of the said Company or having been theretofore such Directors, elect seven persons to be with the persons to be appointed by Her Majesty as hereinafter mentioned the first Members of the Council under this Act...

* * * *

9. Every vacancy happening from time to time among the Members of the Council appointed by Her Majesty, not being Members so appointed by reason of the refusal or neglect of the Court of Directors or the refusal to accept office hereinbefore mentioned, shall be filled up by Her Majesty, by Warrant under her Royal Sign Manual, and every other vacancy shall be filled up by the Council by election made at a meeting to be held for that purpose.

* * * *

10. The major part of the persons to be elected by the Court of Directors, and the major part of the persons to be first appointed by Her Majesty after the passing of this Act, to be members of the

Council, shall be persons who shall have served or resided in India for ten years at the least, and (excepting in the case of late and present Directors and Officers on the Home establishment of the East India Company who shall have so served or resided), shall not have last left India more than ten years next preceding the date of their appointment ; and no person other than a person so qualified shall be appointed or elected to fill any vacancy in the Council unless at the time of the appointment or election nine at the least of the continuing members of the Council be persons qualified as aforesaid.

* * * *

11. Every member of the Council appointed or elected under this Act shall hold his office during good behaviour ; provided that it shall be lawful for Her Majesty to remove any such member from his office upon an address of both Houses of Parliament.

* * * *

12. No member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

* * * *

13. There shall be paid to each member of the Council the yearly salary of one thousand two hundred pounds out of the revenues of India.

* * * *

14. Any member of the Council may, by writing under his hand, which shall be recorded in the minutes of the Council, resign his office, and it shall be lawful for Her Majesty, by warrant under her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any person who, having held the office of Member of the Council for the period of ten years or upwards, shall so resign by reason of infirmity disabling him from a due execution of the duties of the office, a retiring pension during life of five hundred pounds : provided, that if at any time hereafter it would appear to Parliament expedient to reduce the number or otherwise deal with the constitution of the said Council, no member of Council who has not served in his office for a period of ten years shall be entitled to claim any compensation for the loss of his office or for any alteration in the terms and conditions under which the same is held.

* * * *

19. The Council shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the government of India and the correspondence with India, but every order or

communication sent to India shall be signed by one of the Principal Secretaries of State ; and, save as expressly provided by this Act, every order in the United Kingdom in relation to the government of India under this Act shall be signed by such Secretary of State, and all despatches from Governments and Presidencies in India, and other despatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

* * * *

20. It shall be lawful for Secretary of State to divide the Council into Committees for the more convenient transaction of business and from time to time to rearrange such Committees, and to direct what departments of the business in relation to the Government of India under this Act shall be under such Committees respectively, and generally to direct the manner in which all such business shall be transacted.

* * * *

21. The Secretary of State shall be the President of the Council, with power to vote ; and it shall be lawful for such Secretary of State in Council to appoint from time to time any member of such Council to be Vice-President thereof ; and any such Vice-President may at any time be removed by the Secretary of State.

22. All powers by this Act required to be exercised by the Secretary of State in Council, and all powers of the Council shall and may be exercised at meetings of such Council, at which not less than five members shall be present ; and at every meeting the Secretary of State, or in his absence the Vice-President, if present, shall preside ; and in the absence of the Secretary of State and Vice-President, one of the members of the Council present shall be chosen by the members present to preside at the meeting : and such Council may act notwithstanding any vacancy therein : meetings of the Council shall be convened and held when and as the Secretary of State shall from time to time direct : provided that one such meeting at least be held in every week.

23. At any meeting of the Council at which the Secretary of State is present, if there be a difference of opinion on any question other than the question of the election of a Member of Council or other than any question with regard to which a majority of the votes at a meeting is hereinafter declared to be necessary, the determination of the Secretary of State shall be final ; and in case of any equality of votes at any meeting of the Council, the Secretary of State, if

present, and in his absence the Vice-President, or presiding member, shall have a casting vote ; and all acts done at any meeting of the Council in the absence of the Secretary of State, except the election of a Member of the Council, shall require the sanction or approval in writing of the Secretary of State ; and in case of difference of opinion on any question decided at any meeting, the Secretary of State may require that his opinion and the reasons for the same be entered in the minutes of the proceedings, and any Member of the Council who may have been present at the meeting may require that his opinion, and any reasons for the same that he may have stated at the meeting, be entered in like manner.

24. Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom, by the Secretary of State under this Act, shall, unless the same has been submitted to a meeting of the Council, be placed in the Council room for the perusal of all members of the Council during seven days before the sending or making thereof, except in the cases hereinafter provided ; and it shall be lawful for any member of the Council to record in a minute book to be kept for that purpose his opinion with respect to each such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State.

25. If a majority of the Council record as aforesaid their opinions against any act proposed to be done the Secretary of State shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.

26. Provided that where it appears to the Secretary of State that the despatch of any communication or the making of any order, not being an order for which a majority of the votes at a meeting is hereby made necessary, is urgently required, the communication may be sent or order given notwithstanding the same may not have been submitted to a meeting of the Council or deposited for seven days as aforesaid, the urgent reasons for sending or making the same being recorded by the Secretary of State, and notice thereof being given to every member of the Council, except in the cases hereinafter mentioned.

27. Provided also, that any order, not being an order for which a majority of votes at a meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India, through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or

to the Officers or servants of the said Company, may, after the commencement of this Act, be sent to such Governments and Presidencies, or to any officer or servant in India, by the Secretary of State without having been submitted to a meeting, or deposited for the perusal of the members of the Council, and without the reason being recorded, or notice thereof given as aforesaid.

28. Any despatches to Great Britain which might, if this Act had not been passed, have been addressed to the Secret Committee of the Court of Directors, may be marked "secret" by the authority sending the same; and such despatches shall not be communicated to the Members of the Council, unless the Secretary of State shall so think fit and direct.

29. The appointments of Governor-General of India, fourth ordinary member of the Council of the Governor-General of India, and Governors of Presidencies in India, now made by the Court of Directors with the approbation of Her Majesty, and the appointments of Advocate-General for the several Presidencies now made with the approbation of the Commissioners for the Affairs of India, shall be made by Her Majesty by warrant under her Royal Sign Manual; the appointments of the ordinary members of the Council of the Governor-General of India, except the fourth ordinary member, and the appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council, with the concurrence of a majority of members present at a meeting; the appointments of the Lieutenant-Governors of provinces or territories shall be made by the Governor-General of India, subject to approbation of Her Majesty; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively.

30. All appointments to offices, commands and employments in India and all promotions, which by law or under any regulations, usage or custom, are now made by any authority in India, shall continue to be made in India by the like authority, and subject to the qualifications, conditions, and restrictions, now affecting such appointments respectively; but the Secretary of State in Council, with the concurrence of a majority of Members present at a meeting, shall have the like power to make regulations for the division and distribution of patronage and power of nomination among the several authorities in India, and the like power of restoring to their stations, offices, or employments, officers and servants suspended or removed by any authority in India, as might have been exercised by the said Court of Directors, with the approbation of the Commissioners for the Affairs of India, as if this Act had not been passed.

32. With all convenient speed after the passing of this Act Regulations shall be made by the Secretary of State in Council, with the advice and assistance of the Commissioners for the time being, acting in execution of Her Majesty's Order in Council of twenty-first May one thousand eight hundred and fifty-five for regulating the admission of persons to the Civil Services of the Crown, for admitting all persons being natural-born subjects to Her Majesty (and of such age and qualification as may be prescribed in this behalf) who may be desirous of becoming candidates for appointment to the Civil Service of India to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations, under the superintendence of the said last mentioned Commissioners or of the persons for the time being entrusted with the carrying out of such regulations as may be, from time to time, established by Her Majesty for examination, certificate, or other test of fitness in relation to appointments to junior situations in the Civil Service of the Crown ; and the candidates who may be certified by the said Commissioners or other persons as aforesaid, to be entitled under such regulations shall be recommended for appointment according to the order of their proficiency as shown by such examinations ; and such persons only as shall have been certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council :

Provided always, that all regulations to be made by the said Secretary of State in Council under this Act shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting then, within fourteen days after the next meeting thereof.

33. All appointments to cadetships, naval and military, and all admissions to service not herein otherwise provided for, shall be vested in Her Majesty ; and the names of persons to be from time to time recommended for such cadetships and service shall be submitted to Her Majesty by the Secretary of State.

* * * *

37. Save as hereinbefore provided, all powers of making regulations in relation to appointments and admissions to service and other matters connected therewith, and of altering or revoking such regulations, which, if this Act had not been passed, might have been exercised by the Court of Directors or Commissioners for the Affairs of India, may be exercised by the Secretary of State in Council ; and

all regulations in force at the time of the commencement of this Act in relation to the matters aforesaid shall remain in force, subject nevertheless to alteration or revocation by the Secretary of State in Council as aforesaid.

38. Any writing under the Royal Sign Manual, renewing or dismissing any person holding any office, employment or commission, civil or military, in India, of which, if this Act had not been passed, a copy would have been required to be transmitted or delivered within eight days after being signed by Her Majesty to the Chairman or Deputy Chairman of the Court of Directors shall, in lieu thereof, be communicated within the time aforesaid to the Secretary of State in Council.

39. All lands and hereditaments, monies, stores, goods, chattel, and other real and personal estate of the said Company, subject to the debts and liabilities affecting the same respectively, and the benefit of all contracts, covenants and engagements, and all rights to fines, penalties, and forfeitures, and all other emoluments, which the said Company shall be seized or possessed of, or entitled to, at the time of the commencement of this Act except the capital stock of the said Company and the dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the provisions of this Act, for the purposes of the government of India.

* * * *

41. The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council; and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council.

* * * *

53. The Secretary of State in Council shall, within the first fourteen days during which Parliament may be sitting, next after the first day of May in eveay year, lay before both Houses of Parliament an account for the financial year preceding the last completed of the annual produce of the revenues of India,..... and such account shall be accompanied by a statement prepared from detailed reports from each Presidency and district in India in such form as shall best exhibit the moral and material progress and condition of India in each such Presidency.

54. When any order is sent to India directing the actual commencement of hostilities by Her Majesty's forces in India, the

fact of such order having been sent shall be communicated to both Houses of Parliament within three months after the sending of such order, if Parliament be sitting, unless such order shall have been in the meantime revoked or suspended, and, if Parliament be not sitting at the end of such three months, then within one month after the next meeting of Parliament.

55. Except for preventing or repelling actual invasion of Her Majesty's Indian Possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by Her Majesty's forces charged upon such revenues.

56. The military and naval forces of the East India Company shall be deemed to be the Indian military and naval forces of Her Majesty.....such forces, and all persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, laws of the Governor-General of India-in-Council, and articles of war, and all other laws, regulations, and provisions relating to the East India Company's military and naval forces respectively....

* * * *

63. In case the person who shall be entitled under any provisions for appointment to succeed to the office of Governor-General of India upon a vacancy therein, or who shall be appointed absolutely to assume the office, shall be in India (upon or after the happening of the vacancy, or upon or after the receipt of such absolute appointment, as the case may require), but shall be absent from Fort William in Bengal, or from the place where the Council of the Governor-General of India may then be, and it shall appear to him necessary to exercise the powers of Governor-General before he shall have taken his seat in Council, it shall be lawful for him to make known by proclamation, his appointment and his attention to assume the said office of Governor-General ; and after such proclamatiou and thenceforth until he shall repair to Fort William or the place where the Council may assemble, it shall be lawful for him to exercise alone, all or any of the powers which might be exercised by the Governor-General-in-Council, except the power of making laws and regulations ; and all acts done in the exercise of the said powers, except as aforesaid shall be of the same force and effect as if they had been done by the Governor-General-in-Council ; provided that all acts done in the said Council after the date of such proclamation but before the communication thereof to

such Council, shall be valid, subject nevertheless to revocation of alteration by the person who shall have so assumed the said office of Governor-General ; and when the office of Governor-General is assumed under the foregoing provision, if there be at any time before the Governor-General takes his seat in Council, no Vice-President of the Council authorised to preside at meetings for making laws and regulations (as provided by Section 22 of the Government of India Act, 1853), the senior ordinary member of Council therefore sent shall preside therein, with the same powers as if a Vice-President had been appointed and were absent.

* * * *

65. The Secretary of State in Council shall and may sue and be sued as well in India as in England by the name of the Secretary of State in Council as a body corporate ; and all persons and bodies politic shall and may have and take the same suits, remedies and proceedings, legal and equitable, against the Secretary of State in Council of India as they could have done against the said Company ; and the property and effects hereby vested in Her Majesty for the purposes of the Government of India or acquired for the said purposes, shall be subject and liable to the same judgement and executions as they would, while vested in the said Company, have been liable to in respect of debts and liabilities lawfully contracted and incurred by the said Company.

* * * *

67. All treaties made by the said Company shall be binding on Her Majesty ; and all contracts, covenants, liabilities and engagements of the said Company made, incurred or entered into before the commencement of this Act, may be enforced by and against the Secretary of State in Council in like manner and in the same Courts as they might have been by and against the said Company if this Act had not been passed.

68. Neither the Secretary of State nor any member of the Council shall be personally liable in respect of any such contract, covenant, or engagement of the said Company as aforesaid, or in respect of any contract entered into under the authority of this Act, or other liability of the said Secretary of State or Secretary of State in Council in their official capacity ; but all such liabilities, and all costs and damages in respect thereof, shall be satisfied and paid out of the revenue of India.

THE QUEEN'S PROCLAMATION, 1858*

(November 1, 1858)

[This Proclamation was drafted, at the Queen's desire, by the Prime Minister, Lord Derby.]

Whereas, for diverse weighty reasons, we have resolved, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon Ourselves the government of the territories in India heretofore administered in trust for us by the Honourable East India Company :

Now, therefore, we do by these presents notify and declare that, by the Advice and consent aforesaid, we have taken upon Ourselves the said Government.....

And we.....do hereby constitute and appoint.....Viscount Canning, to be Our first Viceroy and Governor-General in and over Our said Territories and to administer the Government thereof in Our name, and generally to act in Our name, and on Our behalf, subject to such Orders and Regulations as he shall, from time to time, receive from Us through One of Our Principal Secretaries of State :

And we do hereby confirm in their several Offices, Civil and Military, all Persons now employed in the Services of the Honourable East India Company, subject to Our future pleasure, and to such Laws and Regulations as may hereaftar be enacted.

We hereby announce to the Native Princes of India, that all Treaties and Engeagments made with them by or under the authority of the Honourable East India Company are by Us accepted, and will be scrupulously maintained, and We look for the like observance on their part.

We desire no extension of our present territorial Possessions ; and while We will permit no aggression upon Our Dominions or Our Rights to be attempted with impunity, We shall sanction no encroachment on those of others.

We shall respect the Rights, Dignity, and Honour of the Native Princes as Our own.....

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And it is Our further will that, so far as may be, Our Subjects, of whatever Race or Creed, be freely and impartially admitted to

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*Keith A.B. *Speeches and Documents on Indian Policy*, 1750-1921, Vol. I, pp. 382-86.

Also in :

Mukherji, P. *Indian Constitutional Documents.* (1773-1915), pp. 359-360.

Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 26-28.

offices in Our Service, the Duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.

THE INDIAN COUNCILS ACT, 1861.*

(24 and 25 Vict., C. 67)

An Act to make better provision for the Constitution of the Council of the Governor-General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the event of a vacancy in the office of Governor-General. (1 August, 1861)

Whereas it is expedient that the provisions of former Acts of Parliament respecting the constitution and functions of the Council of the Governor-General of India should be consolidated and in certain respects amended, and that power should be given to the Governors in Council of the Presidencies of Fort Saint George and Bombay to make laws and regulations for the Government of the said Presidencies, and that provision should be made for constituting the like authority in other parts of Her Majesty's Indian dominions: Be it therefore declared and enacted as follows:

* * * * *

3. There shall be five ordinary members of the said Council of the Governor-General, three of whom shall from time to time be appointed by the Secretary of State for India in Council, with the concurrence of a majority of members present at a meeting, from among such persons as shall have been, at the time of such appointment, in the service in India of the Crown, or of the Company and the Crown, for at least ten years; and if the person so appointed shall be in the military service of the Crown, he shall not, during his continuance in office as a member of Council, hold any military command, or be employed in actual military duties; and the remaining two, one of whom shall be a barrister or a member of the Faculty of advocates in Scotland of not less than five years' standing, shall be appointed from time to time by Her Majesty by warrant under her Royal Sign Manual; and it shall be lawful for the Secretary of State in Council to appoint the Commander-in-Chief of Her Majesty's Forces in India to be an extraordinary member of the said Council, and such extraordinary member of Council shall have rank and precedence at the Council Board next after the Governor-General.

4. The present ordinary members of the Council of the Governor-General of India shall continue to be ordinary members under and

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*Keith, A.B. *Speeches and Documents on Indian Policy,* 1750-1921, Vol. II,
Also in :
Mukherji, P. *Indian Constitutional Documents* (1773-1915), pp. 146-167.
Banerjee, A. C. *Indian Constitutional Documents*, Vol. II, pp. 31-52.

for the purposes of this Act; and it shall be lawful for Her Majesty, on the passing of this Act, to appoint by warrant as aforesaid an ordinary member of Council, to complete the number of five hereby established; and there shall be paid to such ordinary member, and to all other ordinary members who may be hereafter appointed, such amount of salary as may from time to time be fixed for members of the Council of the Governor-General by the Secretary of State in Council, with the concurrence of a majority of members of Council present at a meeting; and all enactments of any Act of Parliament or law of India respecting the Council of the Governor-General of India and the members thereof shall be held to apply to the said Council as constituted by this Act, except so far as they are repealed by or are repugnant to any provisions of this Act.

5. It shall be lawful for the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, and for Her Majesty, by warrant as aforesaid, respectively, to appoint any person provisionally to succeed to the office of ordinary member of the Council of the Governor-General, when the same shall become vacant by the death or resignation of the person holding the said office, or on his departure from India with intent to return to Europe, or on any event and contingency expressed in any such provisional appointment, and such appointment again to revoke; but no person so appointed to succeed provisionally to such office shall be entitled to any authority, salary, or emolument appertaining thereto until he shall be in the actual possession of such office.

6. Whenever the said Governor-General-in-Council shall declare that it is expedient that the said Governor-General should visit any part of India unaccompanied by his Council, it shall be lawful for the said Governor-General-in-Council, previously to the departure of the said Governor-General, to nominate some member of the said Council to be President of the said Council, in whom, during the time of such visit, the powers of the said Governor-General in assemblies of the said Council shall be reposed, except that of assenting to or withholding his assent from, or reserving for the signification of Her Majesty's pleasure, any law or regulation, as hereinafter provided; and it shall be lawful in every such case for the said Governor-General-in-Council, by an order for that purpose to be made, to authorize the Governor-General alone to exercise all or any of the powers which might be exercised by the said Governor-General-in-Council in every case in which the said Governor-General may think it expedient to exercise the same, except the power of making laws or regulations.

7. Whenever the Governor-General, or such President so nominated as aforesaid, shall be obliged to absent himself from any meet-

ing of Council (other than meetings for the purpose of making laws and regulations, as hereinafter provided), owing to indisposition or any other cause whatsoever, and shall signify his intended absence to the Council, then and in every such case the senior member for the time being who shall be present at such meeting, shall preside thereat, in such manner, and with such full powers and authorities during the time of such meeting, as such Governor-General or President would have had in case he had been present at such meeting : provided always, that no act of Council made at any such meeting shall be valid to any effect whatsoever unless the same shall be signed by such Governor-General or President respectively, if such Governor-General or President shall at the time be resident at the place at which such meeting shall be assembled, and shall not be prevented by such indisposition from signing the same : provided always, that in case such Governor-General or President, not being so prevented as aforesaid, shall decline or refuse to sign such act of Council, he and the several members of Council who have signed the same, shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner and subject to such regulations and ultimate responsibility as are by an Act of the thirty-third year of King George the Third, chapter fifty-two, sections forty-seven, forty-eight, forty-nine, fifty-one, provided and described in cases where such Governor-General shall, when present, dissent from any measure proposed or agitated in the Council.

8. It shall be lawful for the Governor-Goneral from time to time to make rules and orders for the more convenient transaction of business in the said Council ; and any order made or act done in accordance with such rules and orders (except as hereinafter provided respecting laws and regulations) shall be deemed to be the order or act of the Governor-General-in-Council.

9. The said Council shall from time to time assemble at such place or places as shall be appointed by the Governor-General-in-Council within the territories of India ; and as often as the said Council shall assemble within either of the Presidencies of Fort Saint George or Bombay, the Governor of such Presidency shall act as an extraordinary member of Council ; and as often as the said Council assemble within any other division, province, or territory having a Lieutenant-Governor, such Lieutenant-Governor shall act as an additional councillor at meetings of the Council, for the purpose of making laws and regulations only, in manner hereinafter provided.

10. For the better exercise of the power of making laws and regulations vested in the Governor-General-in-Council, the Governor-

General shall nominate, in addition to the ordinary and extraordinary members above mentioned, and to such Lieutenant-Governor in the case aforesaid, such persons, not less than six nor more than twelve in number, as to him may seem expedient, to be members of Council for the purpose of making laws and regulations only, and such persons shall not be entitled to sit or vote at any meeting of Council, except at meetings held for such purpose; provided that not less than one-half of the persons so nominated, shall be non-official persons, that is, persons who, at the date of such nomination, shall not be in the civil or military service of the Crown in India, and that the seat in Council of any non-official member accepting office under the Crown in India shall be vacated on such acceptance.

11. Every additional member of Council so nominated shall be summoned to all meetings held for the purpose of making laws and regulations, for the term of two years from the date of such nomination.

12. It shall be lawful for any such additional member of Council to resign his office to the Governor-General and on acceptance of such resignation by the Governor-General such office shall become vacant.

13. On the event of a vacancy occurring by the death, acceptance of office, or resignation, accepted in manner aforesaid, of any such additional member of Council, it shall be lawful for the Governor-General to nominate any person as additional member of Council in his place, who shall exercise the same functions until the termination of the term for which the additional member so dying, accepting office, or resigning, was nominated: provided always, that it shall not be lawful for him by such nomination to diminish the proportion of non-official additional members hereinafter directed to be nominated.

14. No law or regulation made by the Governor-General in Council in accordance with the provisions of this Act shall be deemed invalid by reason only that the proportion of non-official additional members hereby provided was not complete at the date of its introduction to the Council or its enactment.

15. In the absence of the Governor-General and of the President, nominated as aforesaid, the senior ordinary member of the Council present shall preside at meetings of the Council for making laws and regulations; and the power of making laws and regulations vested in the Governor-General-in-Council shall be exercised only at meetings of the said Council at which such Governor-General or President, or some ordinary member of Council, and six or more members of the said Council (including under the term 'members of the

Council' such additional members as aforesaid), shall be present ; and in every case of difference of opinion at meetings of the said Council for making laws and regulations, where there shall be an equality of voices, the Governor-General, or in his absence the President, and in the absence of the Governor-General and President, such senior ordinary member of Council there presiding, shall have two votes or the casting vote.

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17. It shall be lawful for the Governor-General-in-Council from time to time to appoint all other times and places of meeting of the Council for the purpose of making laws and regulations under the provisions of this Act, and to adjourn, or from time to time to authorize such President, or senior ordinary member of Council in his absence, to adjourn any meeting for the purpose of making laws and regulations from time to time and from place to place.

18. It shall be lawful for the Governor-General-in-Council to make rules for the conduct of business at meetings of the Council for the purpose of making laws and regulations under the provisions of this Act, prior to the first of such meetings ; but such rules may be subsequently amended at meetings for the purpose of making laws or regulations, subject to the assent of the Governor-General and such rules shall prescribe the mode of promulgation and authentication of such laws and regulations : provided always, that it shall be lawful for the Secretary of State in Council to disallow any such rule, and to render it of no effect.

19. No business shall be transacted at any meeting for the purpose of making laws and regulations, except as last hereinbefore provided, other than the consideration and enactment of measures introduced into the Council for the purpose of such enactment ; and it shall not be lawful for any member or additional member to make or for the Council to entertain any motion, unless such motion be for leave to introduce some measures as aforesaid into Council, or have reference to some measure actually introduced thereinto : provided always, that it shall not be lawful for any member or additional member to introduce, without the previous sanction of the Governor-General, any measure affecting,—

(*i*) The Public Debt or public revenues of India, or by which any charge would be imposed on such revenues :

(*ii*) The religion or religious rights and usages of any class of Her Majesty's subjects in India :

(*iii*) The discipline or maintenance of any part of Her Majesty's Military or Naval Forces :

(*iv*) The relations of the Government with foreign princes or states.

20. When any law or regulation has been made by the Council at a meeting for the purpose of making laws and regulations as aforesaid, it shall be lawful for the Governor-General, whether he shall or shall not have been present in Council at the making thereof, to declare that he assents to the same or that he withholds his assent from the same, or that he reserves the same for the signification of the pleasure of Her Majesty thereon ; and no such law or regulation shall have validity until the Governor-General shall have declared his assent to the same, or until (in the case of a law or regulation so reserved as aforesaid) Her Majesty shall have signified her assent to the same to the Governor-General, through the Secretary of State for India in Council, and such assent shall have been duly proclaimed by the said Governor-General.

21. Whenever any such law or regulation has been assented to by the Governor-General, he shall transmit to the Secretary of State for India an authentic copy thereof ; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, her disallowance of such law ; and such disallowance shall make void and annul such law from or after the day on which the Governor-General shall make known, by proclamation or by signification to his Council, that he has received the notification of such disallowance by Her Majesty.

22. The Governor-General-in-Council shall have power at meetings for the purpose of making laws and regulations as aforesaid, and subject to the provisions herein contained, to make laws and regulations for repealing, amending, or altering any laws or regulations whatever, now in force or hereafter to be in force in the Indian territories now (or hereafter) under the dominion of Her Majesty, and to make laws and regulations for all persons, whether British or Native, foreigners or others, and for all courts of justice whatever, and for all places and things whatever within the said territories, and for all servants of the Government of India within the dominions of princes and states in alliance with Her Majesty ; and the laws and regulations so to be made by the Governor-General-in-Council shall control and supersede any laws and regulations in any wise repugnant thereto which shall have been made prior thereto by the Governors of the Presidencies of Fort St. George and Bombay respectively in Council, or the Governor or Lieutenant-Governor-in-Council of any Presidency or other territory for which a Council may be appointed, with power to make laws and regulations, under and by virtue of this Act : provided always, that the said Governor-General-in-Council

shall not have the power of making any laws or regulations which shall repeal or in any way affect any of the provisions of this Act :

Or any of the provisions of the Acts of the third and fourth years of King William the Fourth, chapter eighty-five, and of the sixteenth and seventeenth years of Her Majesty, chapter ninety-five, and of the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, which after the passing of this Act shall remain in force :

Or any provisions of the Act of the twenty-first and twenty-second years of Her Majesty, chapter one hundred and six, entitled, "An Act for the Better Government of India", or of the Act of the twenty-second and twenty-third years of Her Majesty, chapter forty-one, to amend the same.

Or of any Act enabling the Secretary of State in Council to raise money in the United Kingdom for the Government of India :

Or of the Acts for punishing mutiny and desertion in Her Majesty's Army or in Her Majesty's Indian Forces respectively, but subject to the provision contained in the Act of the third and fourth years of King William the Fourth, chapter eighty-five, section seventy-three, respecting the Indian Articles of War :

Or any provisions of any Act passed in this present session of Parliament, or hereafter to be passed, in any wise affecting Her Majesty's Indian territories, or the inhabitants thereof :

Or which may affect the authority of Parliament, or the constitution and rights of the East India Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the Crown over any part of the said territories.

23. Notwithstanding anything in this Act contained, it shall be lawful for the Governor-General, in cases of emergency, to make and promulgate, from time to time, ordinances for the peace and good government of the said territories or of any part thereof, subject, however, to the restrictions contained in the last preceding section ; and every such ordinance shall have like force of law or regulation made by the Governor-General-in-Council, as by this Act provided, for the space of not more than six months from its promulgation, unless the disallowance of such ordinance by Her Majesty shall be earlier signified to the Governor-General by the Secretary of State for India in Council, or unless such ordinance shall be controlled or superseded by some law or regulation made by the Governor-General-in-Council

at a meeting for the purpose of making laws and regulations as by this Act provided.

24. No law or regulation made by the Governor-General-in-Council (subject to the power of disallowance by the Crown, as hereinbefore provided), shall be deemed invalid by reason only that it affects the prerogative of the Crown.

25. Whereas doubts have been entertained whether the Governor-General of India, or the Governor-General of India in Council, had the power of making rules, laws, and regulations for the territories known from time to time as "Non-regulation Provinces," except at meetings for making laws and regulations in conformity with the provisions of the said Acts of the third and fourth years of King William the fourth, chapter eighty-five, and of the sixteenth and seventeenth years of Her Majesty, chapter ninety-five, and whether the Governor, or Governor-in-Council, or Lieutenant-Governor of any Presidency or part of India had such power in respect of any such territories : Be it enacted, that no rule, law, or regulation which prior to the passing of this Act shall have been made by the Governor-General or Governor-General-in-Council, or by any other of the authorities aforesaid, for and in respect of any such non-regulation province, shall be deemed invalid only by reason of the same not having been made in conformity with the provisions of the said Acts, or of any other Act of Parliament respecting the constitution and powers of the Council of India or of the Governor-General, or respecting the powers of such Governors, or Governors-in-Council, or Lieutenant-Governors as aforesaid.

26. It shall be lawful for the Governor-General-in-Council, or Governor-in-Council of either of the Presidencies, as the case may be, to grant to an ordinary Member of Council leave of absence under medical certificate, for a period not exceeding six months ; and such member, during his absence, shall retain his office, and shall, on his return and resumption of his duties, receive half his salary for the period of such absence ; but if his absence shall exceed six months, his office shall be vacated.

27. If any vacancy shall happen in the office of an ordinary Member of the Council of the Governor-General, or of the Council of either of the Presidencies, when no person provisionally appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such vacancy shall be supplied by the appointment of the Governor-General-in-Council, or the Governor-in-Council, as the case may be ; and until a successor shall arrive the person so nominated shall execute the office to which he shall have been appointed, and shall have all the powers thereof and shall have

and be entitled to the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office ; and if any ordinary Member of the Council of the Governor-General, or of the Council of either of the Presidencies, shall, by any infirmity or otherwise, be rendered incapable of acting or of attending to act as such, or if any such member shall be absent on leave, and if any person shall have been provisionally appointed as aforesaid, then the place of such member, absent or unable to attend, shall be supplied by such person ; and if no person provisionally appointed to succeed to the office shall be then on the spot, the Governor-General-in-Council, or Governor-in-Council, as the case may be, shall appoint some person to be a temporary Member of Council ; and until the return of the member so absent or unable to attend, the person so provisionally appointed by the Secretary of State in Council, or so appointed by the Governor-General-in-Council, or Governor-in-Council, as the case may be, shall execute the office to which he shall have been appointed,and shall have all the powers thereof and shall receive half the salary of the Member of Council whose place he supplies,and also half the salary of his office under the Government of India, or the Government of either of the Presidencies, as the case may be, if he hold any such office, the remaining half of such last named salary being at the disposal of the Government of India, or other Government as aforesaid : provided always, that no person shall be appointed a temporary Member of the said Council who might not have been appointed as hereinbefore provided to fill the vacancy supplied by such temporary appointment.

28. It shall be lawful for the Governors of the Presidencies of Fort Saint George and Bombay, respectively, from time to time to make rules and orders for the conduct of business in their Councils, and any order made or act done in accordance with such directions (except as hereinafter provided respecting laws and regulations) shall be deemed to be the order or act of the Governor-in-Council.

29. For the better exercise of the power of making laws and regulations hereinafter vested in the Governors of the said Presidencies in Council respectively, each of the said Governors shall, in addition to the members whereof his Council now by law consists, or may consist, termed herein ordinary members, nominate to be additional members the Advocate-General of the Presidency, or officer acting in that capacity, and such other persons, not less than four nor more than eight in number, as to him may seem expedient,

to be members of Council, for the purpose of making laws and regulations only ; and such members shall not be entitled to sit or vote at any meeting of Council, except at meetings held for such purpose ; provided that not less than half of the persons so nominated shall be non-official persons, as hereinbefore described ; and that the seat in Council of any non-official member accepting office under the Crown in India shall be vacated on such acceptance.

30. Every additional member of Council so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years from the date of such nomination.

31. It shall be lawful for any such additional member of Council to resign his office to the Governor of the Presidency ; and on acceptance of such resignation by the Governor of the Presidency, such office shall become vacant.

32. On the event of a vacancy occurring by the death, acceptance of office, or resignation accepted in manner aforesaid, of any such additional Member of Council, it shall be lawful for the Governor of the Presidency to summon any person as additional Member of Council in his place, who shall exercise the same functions until the termination of the term for which the additional member so dying, accepting office, or resigning, was nominated : Provided always, that it shall not be lawful for him by such nomination to diminish the proportion of non-official members hereinbefore directed to be nominated.

33. No law or regulation made by any such Governor-in-Council in accordance with the provision of this Act shall be deemed invalid by reason only that the proportion of non-official additional members hereby established was not complete at the date of its enactment.

34. At any meeting of the Council of either of the said Presidencies from which the Governor shall be absent, the senior civil ordinary Member of Council present shall preside ; and the power of making laws and regulations hereby vested in such Governor-in-Council shall be exercised only at meetings of such Council at which the Governor or some ordinary Member of Council, and four or more Members of Council (including under the term 'Members of Council' such additional members as aforesaid) shall be present ; and in any case of difference of opinion at meetings of any such Council for making laws and regulations, where there shall be an equality of voices, the Governor, or in his absence the senior member then presiding, shall have two votes or the casting vote.

* * * *

36. It shall be lawful for every such Governor to appoint all subsequent times and places of meeting of his Council for the purpose of making laws and regulations under the provisions of this Act, and to adjourn or from time to time to authorize such senior ordinary Member of Council in his absence to adjourn any meeting for making laws and regulations from time to time and from place to place.

37. Previously to the first of such meetings of their Councils for the purpose of making laws and regulations under the provisions of this Act, the Governors of the said Presidencies in Council respectively shall make rules for the conduct of business at such meetings, subject to the sanction of the Governor-General in Council ; but such rules may be subsequently amended at meetings for the purpose of making laws and regulations, subject to the assent of the Governor : Provided always, that it shall be lawful for the Governor-General in Council to disallow any such rule, and render the same of no effect.

38. No business shall be transacted at any meeting of the Council of either of the said Presidencies for the purpose of making laws and regulations (except as last hereinbefore provided), other than the consideration and enactment of measures introduced into such Council for the purpose of such enactment ; and it shall not be lawful for any member or additional member to make, or for the Council to entertain, any motion, unless such motion shall be for leave to introduce some measure as aforesaid into Council, or have reference to some measures actually introduced thereinto : Provided always that it shall not be lawful for any member or additional member to introduce, without the previous sanction of the Governor, any measure affecting the public revenues of the Presidency, or by which any charge shall be imposed on such revenues.

39. When any law or regulation has been made by any such Council at a meeting for the purpose of making laws and regulations as aforesaid, it shall be lawful for the Governor, whether he shall or shall not have been present in Council at such meeting, to declare that he assents to, or withholds his assent from, the same.

40. The Governor shall transmit forthwith an authentic copy of every law or regulation to which he shall have so declared his assent to the Governor-General ; and no such law or regulation shall have validity until the Governor-General shall have assented thereto, and such assent shall have been signified by him to and published by the Governor : Provided always, that in every case where the Governor-General shall withhold his assent from any such

law or regulation, he shall signify to the Governor in writing his reason for so withholding his assent.

41. Whenever any such law or regulation shall have been assented to by the Governor-General he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, her disallowance of such law or regulation, and such disallowance shall make void and annul such law or regulation from or after the day on which such Governor shall make known by proclamation, or by signification to the Council, that he has received the notification of such disallowance by Her Majesty.

42. The Governor of each of the said Presidencies in Council shall have power, at meetings for the purpose of making laws and regulations as aforesaid, and, subject to the provision herein contained, to make laws and regulations for the peace and good government of such Presidency and for that purpose to repeal and amend any laws and regulations made prior to the coming into operation of this Act by an authority in India, so far as they affect such Presidency : Provided always, that such Governor in Council shall not have the power of making any laws or regulations which shall in any way affect any of the provisions of this Act, or of any other Act of Parliament in force, or hereafter to be in force, in such Presidency.

43. It shall not be lawful for the Governor in Council of either of the aforesaid Presidencies, except with the sanction of the Governor-General, previously communicated to him, to make regulations or take into consideration any law or regulation for any of the purposes next hereinafter mentioned ; that is to say,

1. Affecting the Public Debt in India, or the customs duties, or any other tax or duty now in force and imposed by the authority of the Government of India for the general purposes of such Government :

2. Regulating any of the current coins, or the issue of any bills, notes, or other paper currency :

3. Regulating the conveyance of letters by the post office or messages by the electric telegraph within the Presidency :

4. Altering in any way the Penal Code of India, as established by Act of the Governor-General in Council, No. 42 of 1860 :

5. Affecting the religion or religious rites and usages of any class of Her Majesty's subjects in India :

6. Affecting the discipline or maintenance of any part of Her Majesty's Military or Naval Forces :

7. Regulating patents or copyright :

8. Affecting the relations of the Government with foreign princes or States :

Provided always, that no law, or provision of any law or regulation which shall have been made by any such Governor in Council, and assented to by the Governor-General as aforesaid, shall be deemed invalid only by reason of its relating to any of the purposes comprised in the above list.

44. The Governor-General in Council, as soon as it shall appear to him expedient, shall by proclamation, extend the provisions of this Act touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St. George and Bombay to the Bengal Division of the Presidency of Fort William, and shall specify in such proclamation the period at which such provisions shall take effect, and the number of councillors whom the Lieutenant-Governor of the said division may nominate for his assistance in making laws and regulations ; and it shall be further lawful for the Governor-General in Council, from time to time and in his discretion, by similar proclamation, to extend the same provisions to the territories known as the North-Western Provinces and the Punjab respectively.

45. Whenever such proclamation as aforesaid shall have been issued regarding the said divison or territories respectively, the Lieutenant-Governor thereof shall nominate, for his assistance in making laws and regulations, such number of councillors as shall be in such proclamation specified ; provided, that not less than one-third of such councillors shall in every case be non-official persons, as hereinbefore described, and that the nomination of such councillors shall be subject to the sanction of the Governor-General ; and provided further, that at any meeting of any such Council from which the Lieutenant-Governor shall be absent, the member highest in official rank among those who may hold office under the Crown shall preside ; and the power of making laws and regulations shall be exercised only at meetings at which the Lieutenant-Governor, or some member holding office as aforesaid, and not less than one-half of the members of Council so summoned as aforesaid, shall be present ; and in any case of difference of opinion at any meetings of such Council for making laws and regulations, where there shall be an equality of voices, the Lieutenant-Governor, or such member highest in official rank as aforesaid then presiding, shall have two votes or the casting vote.

46. It shall be lawful for the Governor-General, by proclamation as aforesaid, to constitute from time to time new provinces for the purposes of this Act, to which the like provisions shall be aplli-

cable ; and further to appoint from time to time a Lieutenant-Governor to any province so constituted as aforesaid, and from time to time to declare and limit the extent of the authority of such Lieutenant-Governor, in like manner as is provided by the Act of the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, respecting the Lieutenant-Governors of Bengal and the North-Western Provinces.

47. It shall be lawful for the Governor-General in Council, by such proclamation as aforesaid, to fix the limits of any presidency, division, province, or territory in India for the purposes of this Act, and further by proclamation to divide or alter from time to time the limits of any such presidency, division, province, or territory for the said purposes : Provided always, that any law or regulation made by the Governor or Lieutenant-Governor in Council of any presidency, division, province, or territory shall continue in force in any part thereof which may be severed therefrom by any such proclamation, until superseded by law or regulation of the Governor-General in Council or of the Governor or Lieutenant-Governor in Council of the presidency, division, province, or territory to which such parts may become annexed.

48. It shall be lawful for every such Lieutenant-Governor in Council thus constituted to make laws for the peace and good government of his respective division, province, or territory ; and except as otherwise hereinbefore specially provided, all the provisions in this Act contained respecting the nomination of additianal members for the purpose of making laws and regulations for the Presidencies of Fort Saint George and Bombay, and limiting the power of the Governors in Council of Fort Saint George and Bombay for the purpose of making laws and regulations, and respecting the conduct of business in the meetings of such Councils for that purpose, and respecting the power of the Governor-General to declare or withhold his assent to laws or regulations made by the Governor in Council of Fort Saint George and Bombay, and respecting the power of Her Majesty to disallow the same, shall apply to laws or regulations to be so made by any such Lieutenant-Governor in Council.

49. Provided always, that no proclamation to be made by the Governor-General in Council under the provisions of this Act for the purpose of constituting any Council for the presidency, division, provinces or territories hereinbefore named, or any other provinces, or for altering the boundaries of any presidency, division, province, or territory, or constituting any new province for the purpose of this Act, shall have any force or validity until the sanction of Her Majesty to

the same shall have been previously signified by the Secretary of State in Council to the Governor-General.

50. If any vacancy shall happen in the office of Governor-General of India when no provisional successor shall be in India to supply such vacancy, then and in every such case the Governor of the Presidency of Fort Saint George or the Governor of the Presidency of Bombay, who shall have been first appointed to the office of Governor by Her Majesty, shall hold and execute the said office of Governor-General of India and Governor of the Presidency of Fort William in Bengal until a successor shall arrive, or until some person in India shall be duly appointed there to ; and every such acting Governor-General shall, during the time of his continuing to act as such, have and exercise all rights and powers of Governor-General of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor-General foregoing the salary and allowances appertaining to the office of Governor to which he stands appointed ; and such office of Governor shall be supplied for the time during which such Governor shall act as Governor-General, in the manner directed in section sixty-three of the Act of the third and fourth years of King William the Fourth, chapter eightyfive.

51. If, on such vacancy occurring, it shall appear to the Governor, who by virtue of this Act shall hold and execute the said office of Governor-General, necessary to exercise the powers thereof before he shall have taken his seat in Council, it shall be lawful for him to make known by proclamation his appointment, and his intention to assume the said office of Governor-General ; and after such proclamation, and thenceforth until he shall repair to the place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the powers which might be exercised by the Governor-General in Council, except the power of making laws and regulations ; and all acts done in the exercise of the said powers, except as aforesaid, shall be of the same force and effect as if they had been done by the Governor-General in Council ; provided that all acts done in the said Council after the date of such proclamation, but before the communication thereof to such Council, shall be valid, subject nevertheless to revocation or alteration by such Governor who shall have so assumed the said office of Governor-General ; and from the date of the vacancy occurring until such Governor shall have assumed the said office of Governor-General, the provisions of section sixty-two of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, shall be and the same are declared to be, applicable to the case.

52. Nothing in this Act contained shall be held to derogate from or interfere with (except as hereinbefore expressly provided) the rights vested in Her Majesty, or the powers of the Secretary of State for India in Council, in relation to the government of Her Majesty's dominions in India, under any law in force at the date of the passing of this Ast ; and all things which shall be done by Her Majesty, or by the Secretary of State as aforesaid, in relation to such government, shall have the same force and validity as if this Act had not been passed."

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THE INDIAN HIGH COURTS ACT, 1861*
(24 & 25 Vict., C. 104)

AN ACT FOR ESTABLISHING HIGH COURTS OF JUDICATURE IN INDIA (6th August, 1861).

"The Indian High Courts Act, 1861, authorised the Governor-General in Council "by order, from time to time, to transfer any territoy or place, from the jurisdiction of one to the jurisdiction of any other of the High Courts."

1. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of judicature at Fort William in Bengal for the Bengal Division of the Presidency of Fort William aforesaid, and by like Letters Patent to erect and establish like High Courts at Madras and Bombay for those Presidencies respectively.....

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8. Upon the Establishment of such High Court as aforesaid in the Presidency of Fort William in Bengal the Supreme Court and the Court of Sudder Dewanny Adawlut and Sudder Nizamut Adawlut at Calcutta in the same Presidency shall be abolished :

And upon the Establishment of such High Court in the Presidency of Madras the Supreme Court and the Court of Sudder Adawlut and Foujdary Adawlut in the same Presidency shall be abolished :

And upon the Establishment of such High Court in the Presidency of Bombay the Supreme Court and the Court of Sudder Dewanny Adawlut and Sudder Foujdary Adawlut in the same Presidency shall be abolished :

And the Records and Documents of the several Courts so abolished in each Presidency shall become and be Records and Documents of the High Court established in the same Presidency.

9. Each of the High Courts to be established under this Act shall have and exercise all such Civil, Criminal, Admiralty and Vice-

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*Keith, A.B. *Speeches and Documents on Indian Policy*, 1750-1921, Vol. II.

Also in.

Mukherji, P. *Indian Constitutional Documents* (1773-1915), pp. 344-350,

Banerjee, A.C. *Indian Constitutional Documents*, Vol. II. pp. 64-67.

Admiralty, Testamentary, Intestate, and Matrimonial Jurisdiction, original and appellate, and all such Powers and Authority for and in relation to the Administration of Justice in the Presidency for which it is established, as Her Majesty may by such Letters Patent as aforesaid grant and direct, subject, however, to such Directions and Limitations as to the exercise of original Civil and Criminal Jurisdiction beyond the limits of the Presidency Towns as may be prescribed thereby ; and save as by such Letters Patent may be otherwise directed, and subject and without Prejudice to the legislative powers in relation to the Matters aforesaid of the Governor-General of India in Council, the High Court to be established in each Presidency shall have and exercise all Jurisdiction and every Power and Authority whatsoever in any manner vested in any of the Courts in the same Presidency abolished under this Act at the time of the abolition of such last-mentioned Courts.

10. Until the Crown shall otherwise provide under the Powers of this Act, all Jurisdiction now exercised by the Supreme Courts of Calcutta, Madras, and Bombay respectively over inhabitants of such parts of India as may not be comprised within the local limits of the Letters Patent to be issued under this Act establishing High Courts at Fort William, Madras, and Bombay, shall be exercised by such High Courts respectively.

11. Upon the establishment of the said High Courts in the said Presidencies respectively all Provisions then in force in India of Acts of Parliament, or of any orders of Her Majesty in Council, or Charters, or of any Acts of the Legislature of India, which at the time or respective times of the establishment of such High Courts are respectively applicable to the Supreme Courts, at Fort William in Bengal, Madras, and Bombay respectively, or to the Judges of those Courts, shall be taken to be applicable to the said High Courts, and to the Judges thereof respectively, so far as may be consistent with the provisions of this Act, and the Letters Patent to be issued in pursuance thereof, and subject to the legislative powers in relation to the matters aforesaid, of the Governor-General of India in Council.

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15. Each of the High Courts established under this Act shall have superintendence over all Courts which may be subject to its appellate Jurisdiction, and shall have power to call for Returns, and to direct the transfer of any Suit or appeal from any such Court to any other Court of equal or superior Jurisdiction, and shall have Power to make and issue general rules for regulating the practice and proceedings of such Courts.....

16. It shall be lawful for Her Majesty, if at any time hereafter Her Majesty see fit so to do, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature in and for any portion of the Territories within Her Majesty's Dominions in India, not included within the limits of the local Jurisdiction of another High Court....."

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THE ROYAL TITLES ACT, 1876*
(36 Vict., C. 10)

AN ACT TO ENABLE HER MOST GRACIOUS MAJESTY TO MAKE AN ADDITION TO THE ROYAL STYLE AND TITLES APPERTAINING TO THE IMPERIAL CROWN OF THE UNITED KINGDOM AND ITS DEPENDENCIES. (17th April, 1876)

"And whereas by the Act for the better Government of India passed in the session of the twenty-first and twenty-second years of the reign of Her present Majesty, Chapter one hundred and six, it was enacted that the Government of India, theretofore vested in the East India Company in trust for Her Majesty, should become vested in Her Majesty, and that India should thenceforth be governed by and in the name of Her Majesty, and it is expedient that there should be a recognition of the transfer of Government so made by means of an addition to be made to the style and titles of Her Majesty :

Be it therefore enacted.....

It shall be lawful for Her Most Gracious Majesty, with a view to such recognition as aforesaid of the transfer of the Government of India by Her Royal Proclamation, under the Great Seal of the United Kingdom, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies as to Her Majesty may seem meet."

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AIMS AND OBJECTS OF THE INDIAN NATIONAL CONGRESS, 1885

PRESIDENTIAL ADDRESS OF Mr. W. C. BANERJEE FIRST SESSION, BOMBAY, 1885

"Towards the middle of the nineteenth century leaders of public opinion in India felt the necessity of establishing political organisations for the purpose of attracting the attention of the British Government to the grievances of the people. The British Indian Association was started in Bengal in 1851 and remained 'an active

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*Keith A.B. *Speeches and Documents on Indian Policy*, 1750-1921, Vol.
Also in
Mukherji, P. *Indian Constitutional Documents* (1773-1915), pp. 361-362.
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 67-69.

power in the land for nearly half a century.' In Bombay the leading political body was the Bombay Association, and in Maharashtra (in the Bombay Presidency) the Poona Sarvajanik Sabha was the principal organ of public work. In Madras the Madras Mahajan Sabha was established in 1881. In Bengal the India Association was founded in 1876. The Bombay Presidency Association was started on January 1, 1885."

The idea of establishing the Indian National Congress was conceived by Mr. A. O. Hume. Mr. W. C. Bannerjee wrote : "Mr. A. O. Hume, C. B., had in 1884, conceived the idea that it would be of great advantage to the country if leading Indian politicians could be brought together once a year to discuss social matters and be upon friendly footing with one another. He did not desire that politics should form part of their discussion, for, there were recognised political bodies in Calcutta, Bombay, Madras and other parts of India, and he thought that these bodies might suffer in importance if when Indian politicians from different parts of the country came together, they discussed politics. His idea further was that the Governor of the Province where the politicians met should be asked to preside over their deliberations, and that thereby great cordiality should be established between the official classes and the non-official Indian politicians. Full of these ideas he saw the noble Marquis when he went to Simla early in 1885, after Lord Dufferin had in the December previous assumed the Viceroyalty of India. Lord Dufferin took great interest in the matter and after considering over it for some time he sent for Mr. Hume and told him that, in his opinion, Mr. Hume's project would not be of much use. He said there was no body of persons in this country who performed the functions which Her Majesty's Opposition did in England. The newspapers, even if they really represented the views of the people, were not reliable and as the English were necessarily ignorant of what was thought of them and their policy in Native circles, it would be very desirable in their interests as well as the interests of the ruled that Indian politicians should meet yearly and point out to the Government in what respects the administration was defective and how it could be improved, and he added that an assembly such as he proposed should not be presided over by the Local Governor, for in his presence the people might not like to speak out their minds. Mr. Hume was convinced by Lord Dufferin's arguments and when he placed the two schemes, his own and Lord Dufferin's, before leading politicians in Calcutta, Bombay, Madras and other parts of the country, the latter unanimously accepted Lord Dufferin's scheme and proceeded to give effect to it."

It was decided that a "Conference of the Indian National Union" would be held at Poona in December, 1885. The meeting could not take place at Poona owing to an outbreak of cholera there, and the "Conference"— then called the "Congress"— was moved to Bombay. The first session of the Indian National Congress met in the Hall of the Gokuldas Tejpal Sanskrit College, Bombay, on December 28, 1885, under the presidency of Mr. W.C. Bannerjee, an eminent Bengali lawyer.*

.....the objects of the Congress could for the most part be classed under the following heads :—

OBJECTS OF THE CONGRESS**

(*a*) The promotion of personal intimacy and friendship amongst all the more earnest workers in our country's cause in the various parts of the Empire.

(*b*) The eradication, by direct friendly personal intercourse, of all possible race, creed, or provincial prejudices amongst all lovers of our country, and the fuller development and consolidation of those sentiments of national unity that had their origin in their beloved Lord Ripon's ever memorable reign.

(*c*) The authoritative record after this has been carefully elicited by the fullest discussion, of the matured opinions of the educated classes in India on some of the more important and pressing of the social questions of the day.

(*d*) The determination of the lines upon, and methods by which during the next twelve months it is desirable for native politicians to labour in the public interests.

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.....there were no more thoroughly loyal and consistent well-wishers of the British Government than were himself and the friends around him. In meeting to discuss, in an orderly and peaceable manner, questions of vital importance affecting their well-being, they were following the only course by which the constitution of England enabled them to represent their views to the ruling authority. Much had been done by Great Britain for the benefit of India, and the whole country was truly grateful to her for it. She had given them order, she had given them railways, and above all, she had given them the inestimable blessing of Western education. But a great deal still remained to be done. The more progress the people made in education and material prosperity, the greater would be the insight

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*P. Sitaramayya, *History of the Indian National Congress*, Vol. I, pp. 9-19.
**Congress Presidential Addresses*, Vol. I, pp 96-119.
Banjerjee, A. C. *Indian Constitutional Documents*, 1757-1939, Calcutta, A. Mukherjee & Co., 1948. Vol. II, pp. 82-84.

into political matters and the keener their desire for political advancement. He thought that their desire to be governed according to the ideas of government prevalent in Europe was in no way incompatible with their thorough loyalty to the British Government. All that they desired was that the basis of the government should be widened and that the people should have their proper and legitimate share in it. The discussions that would take place in this Congress would, he believed, be as advantageous to the ruling authorities as, he was sure it would be to the people at large."

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RESOLUTION OF THE CONGRESS, BOMBAY, 1885*

"That this Congress considers the reform and expansion of the Supreme and existing Local Legislative Councils, by the admission of a considerable proportion of elected members, and the creation of similar Councils for the North-Western Provinces and Oudh and also for the Punjab, essential ; and holds that all Budgets should be referred to these Councils for consideration, their members being moreover empowered to interpellate the Executive in regard to all branches of the administration ; and that a Standing Committee of the House of Commons should be constituted to receive and consider any formal protests that may be recorded by majorities of such Councils against the exercise by the Executive of the power, which would be vested in it, of overruling the decisions of such majorities."

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PRESIDENTIAL ADDRESS OF DADABHAI NAROJI, CALCUTTA, 1886**

"Another resolution is the improvement and enlargement of the Legislative Councils, and the introduction into them of an elective element ".....If this representation is introduced, the greatest benefit will be conferred upon the Government itself, because at present whatever Acts they pass that do not quite please us, we, whether rightly or wrongly, grumble and grumble against the Government, and the Government only. It is true that we have some of our own people in Councils. But we have no right to demand any explanation, even from them ; they are not our representatives, and the Government cannot relieve themselves from any dissatisfaction we may feel against any law we don't like." If our own representatives make a mistake and get a law passed, which we do not want, the Government at any rate will escape the greater portion of the consequent unpopularity. They will say—here

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*Banerjee, A. C. *Indian Constitutional Documents.* 1757-1939, Vol. II, p. 85.
**Congress Presidential Addresses,* Vol. I, pp. 5-20.
Also in
Banerjee, A.C. *Indian Constitutional Documents,* 1757-1939. Vol, II, pp. 85-86.

are your own representatives ; we believed that they represented your wishes, and we passed the law. On the other hand, with all the intelligence, all the superior knowledge of the English officials, let them come as angels from heaven, it is impossible for them to enter into the feelings of the people, and feel as they feel, and enter into their minds. It is not any disparagement of them, but in the nature of things it cannot be otherwise. If you have, therefore, your representatives to represent your feelings, you will then have an opportunity of getting something which is congenial and satisfactory to yourself ; and what will be satisfactory to you must also be satisfactory to and good for the Government itself."

"That this Congress do, emphatically, reaffirm the 3rd Resolution of the Congress of 1885, and distinctly declare its belief that the reform and expansion of the Council of the Governor-General for making Laws and of the Provincial Legislative Councils, therein suggested, have now become essential alike in the interest of India and England." *2 : 1886 : Calcutta : III.*

"That this Congress re-affirms the necessity for the expansion and reform of the Council of the Governor-General for making Laws, and the Provincial Legislative Councils, already set forth in Resolutions III of the Congresses of 1885 and 1886, and expresses the earnest hope that the Government will no longer delay action in the direction of this essential reform." *3 : 1887 : Madras : II.*

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PRESIDENTIAL ADDRESS OF MR. GEORGE YULE, ALLAHABAD, 1888*

"In the absence of a representative body in India, the House of Commons was to play the role of one on our behalf. It was to regard the work as a great and solemn trust committed to it by an all-wise and inscrutable Providence, the duties of which it would faithfully and fully discharge. Such was the style of language employed both in and out of Parliament at the time I alluded to. And now what is the actual state of the case ? It is summed up in a single sentence. There is no check. The Bill under which our affairs are administered appears, like many other Bills, to be open to more than one interpretation. The interpretation put upon it at the time, and what was probably the intention of parliament, was this : the Government in India was to have the right of the initiative, the Council in London the right of review and the Secretary of State, subject to the ultimate judgment of the House of Commons, the right of veto. And this was practically the relation of the parties until 1870. In that year,

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**Congress Presidential Addresses*, Vol. II, pp. 32-47.
Also in :
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 86-88.

the Duke of Argyle was Secretary of State ; and in a controversy on this subject with Lord Mayo, who was then Viceroy, he laid down quite another doctrine. He held that the Government in India had no independent power at all, and that the prerogative of the Secretary of State was not limited to a veto of the measures passed in India. "The Government in India", he maintained, "were merely Executive Officers of the Home Government, who hold the ultimate power of requiring the Governor-General to introduce a measure and of requiring also all the Official Members of the Council to vote for it". This power-absorbing Despatch is dated the 24th November, 1870. The supposed powers and privileges of the Council in London have been similarly dealt with, and the Council is now regarded merely as adjunct of the office of the Secretary of State to furnish him with information or advice when he chooses to ask for it. The present position, then, is this : the Government in India has no power ; the Council in London has no power ; the House of Commons has the power, but it refuses or neglects to exercise it.

The 650 odd members who were to be the palladium of India's rights and liberties have thrown "the great and solemn trust of an inscrutable Providence" back upon the hands of Providence to be looked after as Providence itself thinks best. The affairs of India especially in the Financial Department, have passed with no kind of check whatever into the hands of the Secretary of State, I do not blame the present members of the House of Commons for thus abdicating the function that their predecessors of thirty years ago assumed. The truth is that they have not time enough to attend to the details of the trust ; and on more important matters, they can have only one side of every question—the official side—presented to them ; and they know from experience that that is not always the whole of the case. As they are not in a position to judge rightly, they do not attempt to judge at all ; and they may fairly come to the conclusion that, if it is not worth our while to demand and agitate for some voice in our own affairs, it is not worth their while to trouble themselves at all about us.

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.....the change we do advocate is one of extreme moderation, and far within the limits that the circumstances of the country, in my own opinion, would justify. We don't seek to begin, as has been asserted, at the point England has reached after many generations of constitutional government. We don't want the strong meat of full age, but we want to be weaned. We say there are members of us, who have had the feeding bottle long enough. We desire no

sudden snapping of existing ties ; we ask only for the loosening of the bonds.

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'.....We want the Legislative Council to be expanded to an extent that will admit of the representation of the various interests in the country, as far as that may be practicable. We want half the Councils to be elected, the other half to be in the appointment of Government, and we are willing that the right of veto should be with the Executive. We also want the right of interpellation. These are the substance of our wants. We propose that the constituencies should consist of Members of Municipalities, Chambers of Commerce, Trades Associations—associations like the British Indian Association, -- and, generally, all persons possessing such qualifications, educational and pecuniary, as may be deemed necessary."

"That this Congress affirms the necessity for the expansion and reform of the Council of the Governor-General for making laws and regulations, and of the existing Provincial Legislative Councils, already set forth in Resolutions III of the Congresses of 1885 and 1886, and Resolution II of the Congress of 1887 (a tentative scheme for which expansion and reform was suggested in Resolution IV of the Congress of 1886) : and further urges that a Legislative Council (of the same character as those which have been suggested for Provinces where Legislative Councils already exist) be established for the Punjab." *4 : 1888 : Allahabad : I.*

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"That the foregoing Resolutions be submitted for the favourable consideration of His Excellency the Viceroy, and for transmission by him to Her Majesty's Government, with the humble request of this Congress that the reforms suggested in the said Resolutions (based as most of these are on Her Gracious Majesty's Proclamation of 1858) may now be effected ; and that should it be deemed necessary first to institute any inquiry into any of the matters forming the subjects of these Resolutions, such inquiry may be made, as speedily as possible, by a Parliamentary Committee". *4 : 1888 : Allahabad : XI.*

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PRESIDENTIAL ADDRESS OF SIR WILLIAM WEDDERBURN BOMBAY, 1889.*

".....in the matter of Parliamentary control, things have gone from bad to worse, until they are now about as bad as can be. It is now more than a hundred years ago since Edmund Burke pointed out the crying need for a strong impartial control in England over Indian affairs. And Mr. Fox's India Bill would have provided an

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**Congress Presidential Addresses*, Vol. I, pp. 48-58.
Also in
Banerjee, A. C. *Indian Constitutional Documents*, Vol. II, pp. 88-90.

organised machinery for exercising this control. But unhappily, owing to party struggles unconnected with India, this bill fell through, "India's Magna Carta", as Burke called it, and never since has a similar attempt been made. But although no remedy was then applied, things were not so bad until the passing of the Government of India Act in 1858, which transferred the government from the Company to the Crown. It is from that Act that I date our principal misfortunes. Till then we had two important safeguards. The first was the wholesome jealousy felt by the Parliament towards the East India Company as a privileged Corporation. The other was the necessity for the renewal of the Company's charter at the end of every 20 years. At each of those renewals the Company's official administration had to justify its existence ; there was a searching inquiry into grievances : and there never was a renewal without the grant to the public of important reforms and concessions suited to the progressive condition of Indian affairs. Now unfortunately both those safeguards are lost. The official administrators, who used to be viewed with jealousy, have now been admitted into the innermost sanctum of authority ; and as Council to the Secretary of State, form a sec et Court of appeal for the hearing of all Indian complaints. They first decide all matters in India, and then retire to the India Council at Westminster to sit in appeal on their own decisions. Such a method of control is a mockery, a sham and delusion. This evil is very far-reaching, for when a decision is passed at the India Office the Secretary of State becomes committed to it, so that if an independent member tries to take up the case in the House of Commons, he finds himself confronted, not by a discredited Company, but by the full power of the Treasury Bench. But the loss of the periodical inquiry, once at least in 20 years, is perhaps a still more serious disaster. There is now no day of reckoning. And Indian reformers find all their efforts exhausted in the vain attempt to obtain a Parliamentary inquiry, such as was before provided without demand and without effort.

I think, gentlemen, I have shown that the last state of our control is worse than the first. On the one hand, we have been deprived of our periodical inquiry into grievances, while on the other hand, all complaints are calmly referred for disposal to the very official against whom the complaints are made. I should like, by way of illustration, to give a couple of instances to show how this system works in practice. The first case I will take is that which was well-known at the time, as the Break of Gauge controversy. In that matter General Strachey, as a Public Works Member of the Viceroy's Council, held his own against the whole united public opinion of India, European and

Native, official and unofficial ; and the railway gauge was fixed in the way he wished it. Later on the question came in appeal to the Secretary of State. But by that time General Strachey had retired from his position in India, and had been appointed to the India Council where he was the official adviser of the Secretary of State in matters relative to railways and public works. When, therefore, the public fancied they were appealing from the Government of India to the Secretary of State, they were really enjoying an appeal from General Strachey to himself. This instance shows how the system of the India Council is even worse in fact than in theory. One might perhaps suppose that there being 15 members of the Council, one's grievance might come before those not personally affected. But such is not the case. Each member is considered as an expert, as regards his particular province or department, and is allowed to ride his own hobby, provided he allows his colleagues also to ride their own hobbies in the way they choose.....

"That the following skeleton scheme for the reform and reconstitution of the Council of the Governor-General for making Laws and Regulations, and the Provincial Legislative Councils, is adopted, and that the President of this Congress do submit the same to Charles Bradlaugh, Esq., M.P., with the respectful request of this Congress that he may be pleased to cause a Bill to be drafted on the lines indicated in this skeleton scheme and introduce the same in the British House of Commons :—

SCHEME

(1) The Imperial and Provincial Legislative Councils to consist respectively of Members not less than one-half of whom are to be elected, not more than one-fourth to sit *ex-officio*, and the rest to be nominated by Government.

(2) Revenue districts to constitute ordinarily territorial units, for electoral purposes.

(3) All male British subjects above 21 years of age possessing certain qualifications, and not subject to certain disqualifications, (both of which will be settled later), to be voters.

(4) Voters in each district to elect representatives to one or more electoral bodies, according to local circumstances, at the rate of 12 per million of the total population of the district, such representatives to possess certain qualifications, and not to be subject to certain disqualifications, both of which will be settled later.

(5) All the representatives thus elected by all the districts included in the jurisdiction of each electoral body, to elect members to the Imperial Legislature at the rate of one per every five millions of

the total population of the electoral jurisdiction, and to their own Provincial Legislature at the rate of one per million of the said total population, in such wise that whenever the Parsees, Christians, Mohammedans, or Hindus are in a minority, the total number of Parsees, Christians, Mohammedans or Hindus, as the case may be, elected to the Provincial Legislature, shall not so far as may be possible bear a less proportion of the total number of members elected thereto than the total number of Parsees, Christians, Hindus or Mohammedans, as the case may be, in such electoral jurisdiction, bears to its total population, Members of both legislatures to possess certain qualifications, and not to be subject to certain disqualifications both of which will be settled later. *5 : 1889 : Bombay : I.*

(6) All elections to be by ballot."

"That the Subjects Committee be instructed to settle the questions, (left open in the skeleton scheme for the reconstruction of the Councils, embodied in Resolution II), of the qualifications requisite for, and the disqualifications which should debar from, becoming

(*a*) a Voter ;

(*b*) a Representative ;

(*c*) a member of Provincial Legislative Council ; and

(*d*) a Member of Imperial Legislative Council ; and to submit their Report thereon to Charles Bradlaugh, Esq., M.P., for the purposes of the Bill which he has been requested to have drawn."

5 : 1889 : Bombay : XI.

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"That this Congress, having considered the draft Bill recently introduced into Parliament by Mr. Charles Bradlaugh, entitled 'an Act to amend the Indian Councils Act of 1861' approves the same as calculated to secure a substantial instalment of that reform in the administration of India, for which it has been agitating, and humbly prays the Houses of Parliament of the United Kingdom of Great Britain and Ireland to pass the same into law ; and further that its President Mr. Pherozshah Mehta, is hereby empowered to draw up and sign, on behalf of this assembly, a petition to the House of Commons to the foregoing effect, and to transmit the same to Mr. Charles Bradlaugh for presentation thereto, in due course."

6 : 1890 : Calcutta : I.

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"That this Congress respectfully express the earnest hope that, in the interests of the people of India, the House of Commons will forthwith restore the right, formerly possessed by members of that Honourable House, of stating to Parliament any matter of grievance of the natives of India before Mr. Speaker leaves the Chair, for the presentation in Committee of the Indian Budget statement,

and earnestly trusts that the House of Commons will, in future take into consideration the Annual Indian Budget statement at such a date as will ensure its full and adequate discussion, and further authorizes its President to sign a petition, in the name and on behalf of this Congress, for presentation to the House of Commons, in accordance with the terms of this Resolution." *6 : 1890 : Calcutta : III.*

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PRESIDENTIAL ADDRESS OF MR. PHEROZESHAH MEHTA, CALCUTTA, 1890*

[On the working of the Act of 1892 Mr. C. Y. Chintamani observes : ".....strictly limited as were the opportunities of members, not a few of them did make themselves useful, while some of them highly distinguished themselves by their Parliamentary ability. The greatest of them by common consent were Sir Pherozeshah Mehta and Mr. Gokhale. Among others who deserve mention even at this distance of time were Surendra Nath Banerjee (whose work on the Calcutta Municipal Bill cannot be forgotten by those who witnessed it) and Ananda Mohan Bose in Bangal, Messrs. C. Vijiaraghavachariar and N. Subbarau Pantulu in Madras, Sir Chimanlal Setalvad and Sir Gokuldas Parekh in Bombay, and Pandit Madan Mohan Malaviya in the United Provinces. It would be a mistake to belittle the value of the work of these and other members because it did not always or often bear fruit. For it is certain that if the majority of them had been failures, if they had betrayed a lack of capacity or of a sense of responsibility, if they had not acted in the best interests of the people, there would have been no Morley-Minto Councils in after years".]

.....Lord Cross's Indian Councils Bill promptly saw the light of day in the House of Lords. It was at once the official recognition of the *raison-d-etre* of the Congress, and the first fruit of its labours. In itself, however, it was a most halting and unsatisfactory measure. In framing it, the Prime Minister and the Indian Secretary of State seem to have been pervaded with a conception of the Indian people as a sort of Oliver Twist, always asking for more, to whom it would be, therefore, a piece of prudent policy to begin with offering as little as possible. The Government bill may be aptly described as a most superb steam-engine in which the necessary material to generate steam was carefully excluded, substituting in its place coloured shams to look like it. The rights of interpellation and of the discussion of the Budget were granted, but the living forces of the elective principle, which alone could properly work them, were not breathed into the organization of the enlarged Councils. The omission of the elective principle from the Bill was boldly justified by Lord Salisbury on the ground that "the principle of election or government by representation was not an Eastern idea, and that it did not fit Eastern traditions or Eastern minds." I wish

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**Congress Presidential Addresses*, Vol. I, pp. 59-79.
Also in
anerjee, A.C. *Indian Constitutional Documents*, Vol. II, p. 162.

to speak of his Lordship with all the respect to which his high talents and great intellectual attainments justly entitle him ; but it is not a little surprising as well as disappointing to find the Prime Minister of England, a statesman who, as Lord Cranborne, was once Secretary of State for India, displaying such profound ignorance of the history of the Indian people and the genius of the Indian mind.....

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The disdainful attitute of Lord Salisbury as to our aptitude for representative institutions need, however, bring no despair to our minds. His late chief, Lord Beaconsfield, once said of him on a memorable occasion that he was a man who never measured his phrases or his sweeping assertions.....

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I have no fears but that English statesmanship will ultimately respond to the call. I have unbounded faith in the living and fertilizing principles of English culture and English civilization. It may be that, at times, the prospect may look dark and gloomy. Anglo-Indian opposition may look fierce and uncompromising. But my faith is large, even in Anglo-Indians....."

"That this Congress reaffirms the conclusion arrived at by all previous Congresses, *viz.*, that India can never be well or justly governed, nor her people prosperous or contented, until they are allowed, through their elected representatives, a potential voice in the Legislatures of their own country, and respectfully urges the people of Great Britain and Ireland, whose good-will towards India it gratefully recognizes, to permit no further delay in the concession of this just and necessary reform." *7 : 1891 : Nagpur : II.*

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THE INDIAN COUNCILS ACT, 1892*
(55 and 56 Vict., C. 14)
An Act to Amend the Indian Councils Act, 1861

1. (1) The number of additional members of Council nominated by the Governor-General under the provisions of Section 10 of the Indian Councils Act, 1861, shall be such as to him may seem from time to time expedient, but shall not be less than ten nor more than sixteen ; and the number of additional members of council nominated by the Governors of the Presidencies of Fort St. George and Bombay respectively under the provisions of Section 29 of the Indian Councils Act, 1861, shall (besides the Advocate-General of the Presidency or

*Banerjee, A. C. *Indian Constitutional Documents*, Vol. II, pp. 106-110.

This Act was mainly based on the deliberations of a committee (appointed by Lord Dufferin), in the work of which Sir George Chesney, Sir Charles Aitchison and Mr. Westland took a prominent part.

officer acting in that capacity) be such as to the said Governors respectively may seem from time to time expedient, but shall not be less than eight or more than twenty.

(2) It shall be lawful for the Governor-General in Council by proclamation from time to time to increase the number of Councillors whom the Lieutenant-Governors of the Bengal Division of the Presidency of Fort William and of the North-Western Provinces and Oudh respectively may nominate for their assistance in making laws and regulations : provided always, that not more than twenty shall be nominated for the Bengal Division, and not more than fifteen for the North-Western Provinces and Oudh.

(3) Any person resident in India may be nominated an additional member of Council under Sections 10 and 29 of the Indian Councils Act, 1861, and this Act, or a member of the Council of the Lieutenant-Governor of any Province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable.

(4) The Governor-General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations or any of them, shall be made by the Governor-General, Governors, and Lieutenant-Governors respectively, and prescribe the manner in which such regulations shall be carried into effect.

2. Notwithstanding any provision in the Indian Councils Act, 1861, the Governor-General of India in Council may from time to time make rules authorising, at any meeting of the Governor-General's Council for the purpose of making laws and regulations, the discussion of Annual Financial Statement of the Governor-General in Council and the asking of questions, but under such conditions and restrictions as to subject or otherwise as shall be in the said rules prescribed or declared : and notwithstanding any provisions in the Indian Councils Act, 1861, the Governors in Council of Fort St. George and Bombay respectively, and the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable, may from time to time make rules for authorising, at any meeting of their respective Councils for the purpose of making laws and regulations, the discussion of the Annual Financial Statement of their respective local Governments, and the asking of questions, but under such conditions and restrictions, as to subject or otherwise, as shall in the said rules applicable to such Councils respectively be prescribed or declared. But no

member at any such meeting of any Council shall have power to submit or propose any resolution, or to divide the Council in respect of any such financial discussion, or the answer to any question asked under the authority of this Act, or the rules made under this Act : provided that any rule made under this Act by a Governor in Council, or by a Lieutenant-Governor, shall be submitted for and shall be subject to the sanction of the Governor-General in Council, and any rule made under this Act by the Governor-General in Council shall be submitted for and shall be subject to the sanction of the Secretary of State in Council : provided also that rules made under this Act shall not be subject to alteration or amendment at meetings for the purpose of making laws and regulations.

3. It is hereby declared that in the twenty-second section of the Indian Councils Act, 1861, it was and is intended that the words "Indian territories now under the dominion of Her Majesty" should be read and construed as if the words "or hereafter" were and had at the time of the passing of the said Act been inserted next after the word "now" ; and further, that the Government of India Act, 1833, and the Government of India Act, 1853, respectively shall be read and construed as if at the date of the enactment thereof respectively, it was intended and had been enacted that the said Acts respectively should extend to and include the territories acquired after the dates thereof respectively by the East India Company, and should not be confined to the territories at the dates of the said enactments respectively in the possession and under the government of the said Company.

4. Sections 13 and 32 of the Indian Councils Act, 1861, are hereby repealed, and it is enacted that —

(1) If any additional member of Council, or any member of the Council of a Lieutenant-Governor, appointed under the said Act or this Act, shall be absent from India or unable to attend to the duties of his office for a period of two consecutive months, it shall be lawful for the Governor-General, the Governor, or the Lieutenant-Governor, to whose Council such additional member or members may have been nominated (as the case may be), to declare, by a notification published in the Government Gazette, that the seat in Council of such person has become vacant :

(2) In the event of a vacancy occurring by the absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, of any such additional member or members of the Council of a Lieutenant-Governor, it shall be lawful for the Governor-General, for the Governor, or for the Lieutenant-Governor, as the case may be, to nominate any person as additional member or

members, as the case may be, in his place ; and every member so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years from the date of such nomination : provided always that it shall not be lawful by such nomination, or by any other nomination made under this Act, to diminish the proportion of non-official members directed by the Indian Councils Act, 1861, to be nominated.

5. The local legislature of any province in India may from time to time, by Acts passed under and subject to the provisions of the Indian Councils Act, 1861, and with the previous sanction of the Governor-General, but not otherwise, repeal or amend as to that province any law or regulation made either before or after the passing of this Act by any authority in India other than that local legislature : provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of the Indian Councils Act, 1861, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this section.

6. In this Act the expression "local legislature" means :

(1) The Governor-in-Council for the purpose of making laws and regulations of the respective provinces of Fort St. George and Bombay ; and

(2) The Council for the purpose of making laws and regulations of the Lieutenant-Governor of any Province to which the provisions of the Indian Councils Act, 1861, touching the making of laws or regulations have been or are hereafter extended or made applicable :

The expression "Province" means any presidency, division, province, or territory over which the powers of any local legislature for the time being extend.

7. Nothing in this Act shall detract from or diminish the powers of the Governor-General in Council at meetings for the purpose of making laws and regulations.

"That this Congress, while accepting in a loyal spirit the Indian Councils Act recently enacted by the Parliament of Great Britain, as explained by the present Prime Minister, with the assent of the then Under-Secretary of State for India, —that it is intended by it to give the people of India a real living representation in the Legislative Councils,—regrets that the Act itself does not, in terms, concede to the people the right of electing their own representatives to the Council, and hopes and expects that the rules, now being prepared under the Act, will be framed on the lines of Mr. Gladstone's declaration in the House of Commons, and will do adequate justice to the

people of this country; further, that it prays that these rules may be published in the official Gazettes, like other proposed legislative measures, before being finally adopted." *8 : 1892 : Allahabad : I.*

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PRESIDENTIAL ADDRESS OF MR. W.C. BONNERJEE, ALLAHABAD, 1892*

"We all know that the Act in terms does not profess to give us much, but it is capable, I believe, of infinite expansion under the rules that are to be framed. If those rules are framed in the spirit in which the present Prime Minister of England understood the Act was framed, and what he said was assented to by the then Under-Secretary of State for India, namely, that the people of India were to have real, living representation in their Legislative Council,—if those rules are framed in the spirit of true statesmanship such as one would have confidently expected from Sir Thomas Munro, Mount-stuart Elphinstone, Lord William Bentinck, and a host of other distinguished Anglo-Indian statesmen who have made British India what she is—I shall no doubt we shall all be glad to put away the first plank in our Congress platform, namely the reform and reconstitution of the Legislative Councils. The spirits that seem to be abroad just now in this country, however, do not seem to me to give a very hopeful augury as to these rules. I am afraid that some of our rulers have been possessed with the idea that we have been progressing too fast. It is a great pity that this should be so. But if these rules do not come up to our expectations, gentlemen, we must go on with our agitation and not stop until we get what we all think and we all believe and, what is more, what our rulers themselves have taught us to believe, we have a right to get....."

"That this Congress, in concurrence with the first Congress held at Bombay in 1885, considers that the creation of a Legislative Council for the Province of the Punjab is an absolute necessity for the good Government of that Province, and, having regard to the fact that a similar Council has been created for the United Provinces, hopes that no time will be lost in creating such a Council."

8 : 1892 : Allahabad : XII.

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"That this Congress while tendering its most stncere thanks to His Excellency the Viceroy for the liberal spirit in which he has endeavoured to give effect to the Indian Councils Act of 1892, regrets to have to put on record the facts, that alike in the Rules of the Govern-

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**Congress Presidential Addresses,* Vol. I, pp. 96-119.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 138-39.

ment of India and in the practice of most of the Local Governments, notably in that of the Government of Bombay, material alterations are necessary if real effect is to be given to the spirit of this act, and, that the Punjab, one of the most important Provinces in the Empire, is still denied the right to be represented, either in Viceroy's or in any Local Council." *9 : 1893 : Lahore : I.*

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"That this Congress, in concurrence with the first Congress held at Bombay in 1885 and other subsequent Congresses, considers that the creation of a Legislative Council for the Province of the Punjab is an absolute necessity for the good Government of that Province, and, having regard to the fact that a similar Council has been created for the United Provinces, hopes that no time will be lost in creating such a Council." *9 : 1893 : Lahore : II.*

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"That this Congress places on record its deep regret at the recent hasty legislation of the Government of India closing the Indian mints against the private coinage of the silver, whereby the people of this country have been subjected to further indirect taxation of a burdensome and indefinite character, and some of the most important trades and industries, notably the Mill industry, have been seriously disorganized and injured." *9 : 1893 : Lahore : XIV.*

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"(*a*) That this Congress, in concurrence with the preceding Congresses, considers that the creation of a Legislative Council for the Province of the Punjab is an absolute necessity for the good Government of that Province, and having regard to the fact that a Legislative Council has been created for the N.W. Provinces, urges that no time be lost in creating such a Council for the Punjab.

(*b*) That this Congress, in concurrence with the preceding Congress, is of opinion that the rules now in force under the Indian Councils Act of 1892 are materially defunct and prays that His Excellency the Viceroy in Council will be pleased to have fresh rules framed in a liberal spirit, with a view to a better working of the Act, and suited to the conditions and requirements of each Province."

10 : 1894 : Madras : IX.

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PRESIDENTIAL ADDRESS OF MR. ALFRED WEBB, MADRAS, 1894*

".....The administrative mutilation of the manifest intentions

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* *Congress Presidential Addresses*, Vol. I, pp. 160-178.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, p. 139.

of Parliament in framing the Indian Councils Act is much to be deplored. I see that complaints have been made in every Province where the enlarged Councils are established, that the distribution of seats for representation of the people is most unsatisfactory, and that while some interests are over represented, other important interests are not represented at all. This is not in accordance with the expressed views of British statesmen on both sides of the House when the Bill was discussed. Mr. Gladstone said : "I believe I am justified in looking forward, not merely to a nominal, but to a real living representation of the people of India." Lord Salisbury was no less emphatic : "If we are to do it, and if it has to be done, let us do it systematically...taking care that the machinery to be provided shall effect the purpose of giving representation, not to accidentally constituted bodies, not to small sections of the people here and there, but to the living strength and vital forces of the whole community of India." How little have these anticipations been realised ! We have there a striking instance of the extent to which administration can defeat the intentions of legislation."

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PRESIDENTIAL ADDRESS OF MR. S.N. BANERJEE
POONA, 1895*

"Are we satisfied with it and with the manner in which it is being worked ? I am afraid we must answer the question in the negative. We regard the measure in the light of a cautious experiment which is being tried by the Government. Caution is an element of statesmanship. But caution carried to an excess—caution which is but another name for timidity—is a mistake, and may even amount to a blunder. We have no objection to the Government exercising due caution before it takes "a big jump into the unknown". Weighted with the sense of its great responsibility, the Government must look around before it makes an important departure from the lines of its ancient policy. But what we complain of is that the experiment might have been tried under conditions more favourable to its success, more consonant to the declarations which were made in Parliament by statesmen on both sides of the House at the time of the enactment of the measure. Mr. Gladstone looked forward to a living representation of the Indian people. Lord Salisbury was anxious that the machinery provided should give representation not to small sections of the people but to living strength and the vital forces of the whole community. Have these anticipations been realized by the

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**Congress Presidential Addresses*, Vol. I, pp. 179-255.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 140-151.

light of accomplished facts ? In Bengal seven selected members represent the living strength and the vital forces of a whole community of 70 millions of people. The Councils have been enlarged, but in no sense so as to provide even a tolerably moderate representation of the people. In the United Kingdom a population of 40 millions is represented by 670 members. In Bengal, a population of 70 millions is represented by only seven elected members, or, if you like, by 10 members if you take the nominated non-official members to represent the people, or by 20 members if you take the whole Council to represent the Province. The result is that, the election taking place under a system of rotation, whole divisions are left unrepresented in the Council. Out of the 6 Divisions in Bengal at the present moment the Presidency Division, which is the most important, and the Chota Nagpur and Orissa Divisions, are left out in the representation. I am aware that this is a faulty arrangement which might be rectified by lumping up the Divisions, as is done elsewhere, so as to enable the whole Province to take part in the elections. But is it possible under any conceivable arrangement, by any form of administrative manipulation, to secure, in the words of Mr. Gladstone, the living representation of the Indian people, or in the words of Lord Salisbury the representation of the whole community, and not of small sections of the people, without materially adding to the strength of the elective element in the Councils ? But we are confronted with a difficulty on the very threshold. Under Section 1 of the Indian Councils Act of 1892, the maximum number of additional members for the Governor-General's Council is fixed at 16, and the maximum number of additional members for the Legislative Councils of Madras and Bombay is fixed at 20, and as regards Bengal and the North-Western Provinces the position seems to be still more unsatisfactory. The number of members for the Bengal Council is not to exceed 20, and that for the North-Western Provinces is not to exceed 15..... I am well aware of the difficulties of the Government. They must have a standing majority in the Councils. They will say : "It is all very well for you to raise these objections. Your counsel is a counsel of perfection. we admit. But there are practical difficulties in the way, which we, as practical administrators, must take note of. We must have a standing majority in the Councils. If we add to the elective element we must add to the number of nominated members. The requisite number of officials may not be available at the Presidency towns, or, if available, their appointment to the Councils may lead to serious administrative inconvenience and may involve additional expense—a matter which is not to be overlooked in these days of poverty and impecuniosity."

We fully admit the force of these objections. But the difficulties are really not insuperable. They admit of easy solution. The Government need not appoint official members to the Councils to secure a majority. There are plenty of people who, though non-officials, would, in this respect, serve them better than officials. The experience of public bodies, where officials and non-officials meet for the transaction of public business, entirely confirms this view of the matter. In the Calcutta Municipality the proportion of elected members is two-thirds of the entire body. The Government is in a hopeless minority. The Chairman is an official and is appointed by the Government. He is the organ of the Government. Though in a minority, I have never known a Chairman fail to carry through any Resolution upon which he has set his heart. Whenever he wants it he has a majority. The experience of the District Boards in Bengal entirely bears out the same view. One-half of the members are elected, the other half are nominated. The nominated members are not necessarily officials. The Chairman is the Magistrate of the District. He holds the balance of power. He is dictator of the situation. He rules the District Board. In the Councils the position of the Government will be still more favourable. The President will be the head of the Local Government, his prestige will be great, his personality will carry immense influence ; and if the number of members be materially increased as we suggest, though only one-half of them should be nominated and among the nominated members there should be non-officials, the Government will still have a standing majority.

I say once again that if the Indian Councils Act is to be given effect to, in the spirit in which it was conceived by the distinguished statesmen who took part in its enactment, if it is to give to the people of India a living representation of the whole community and not of small sections of the people, the number of elected members must be sensibly increased ; at any rate discretion should be given to the Government of India to increase the number, subject to such rules as the Government may think fit to make in that behalf. This can be easily done by a small modification of Section 1 of the statute of 1892. Such a measure would strengthen the popular element in the Council ; but the Government would also share in the benefits which it would confer. A large number of elected representatives in the Councils would place the Government in touch with the real opinion of the country. The voice that would be heard in the Councils would not be the voice of this party, or of that party, of this clique or of that, but the living voice of the Indian people.

I am well aware of the objections that will be urged against my proposal. It will be said : "You got the Councils Act amended only

the other day. It is too early to think of amending it again." To that I have an obvious reply to give : It is never too early to raise the cry for reform. We must cry betimes, cry late, cry incessantly, fill the air with our importunate clamour, and then only can we hope to move the Government to take any action. In making the present demand we are encouraged by the unquestionable success which has so far attended the experiment which is being tried. Sir Charles Elliott, speaking from his place as President of the Bengal Legislative Council, thus bore testimony to the distinct accession of strength to the Council which the addition of the elective element has secured :—

"I am quite satisfied in my own mind that the extension of the Council has materially added to its strength, and to its popularity and to its power of doing good for the country."

The Councils bave been reconstituted, and their functions have been enlarged. The most important addition to the functions of the Councils consists in conferring upon members the right of interpellatiсn. We are truly grateful to the Government for this right. It is an inestimable boon. No Government which did not feel strong in the strength of conscious rectitude would venture to confer such a boon upon a foreign dependency.....

It was the feeling of conscious rectitude that in the main led the Executive Council of the Government of India to recommend that this right should be conferred upon members of Council. Sir Charles Elliott has let us into the secrets of his "prison house". He told us the other day from his place as President of the Bengal Legislative Council, that Sir George Chesney argued in the Executive Council that the Government had nothing to conceal. Lord Dufferin used that it would often help the Government to dispel false reports and to clear up misconceptions which were embarrassing to the administration. Lord Dufferin never showed greater prescience.....

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It is, indeed, the unanimous testimony of officials and non-officials that the right has been exercised in a manner that is creditable to the members and conducive to the public interest. The writer on Indian affairs in the *Times,* a discriminating judge in these matters, thus observes :—

"The practical operation of the system indicates that the Viceregal forecast of its working, from Lord Ripon onwards, was the correct one. The questions asked in the Supreme and Provincial Legislatures during the past two years cover the whole area of Indian administration and of the economic interests of the people. With

scarcely an exception, they have tended to a better understanding between the rulers and the ruled ; and in important instances they have furnished a valuable opportunity of placing the actual facts before the public."

With regard to the exercise of the right in the Bengal Council, the same writer thus bears equally satisfactory testimony :—

"In a forward Province like Bengal with Calcutta as its capital, and a native Press extremely active, if not always accurately informed, the practice of interpellation has proved even more useful. The Bengal Government has to deal with the chronic unrest arising out of the desire of the educated classes to enjoy an ever-increasing share of the higher posts of the Administration. The present Governor of Bengal has recognized the necessity of dealing with such aspirations in a spirit of fairness, and, indeed, of generosity. Sir Charles Elliott has opened up the higher offices of his Government to natives of India to an extent never dreamt of by his predecessors....."

From non-official let us pass on to official testimony, and the testimony which I am going to quote is that of no less exalted an official than Sir Charles Elliott.....This was what he said from his place as President of the Bengal Legislative Council : —

"I think you will agree with me that the results have not altogether met the anticipations which we formed. Somehow or other—it is difficult to say how—a sort of idea has grown up in the public mind that an interpellation must necessarily be hostile, and that an Hon'ble member who puts an interpellation may be presumed to have a desire to heckle the Government or to expose its shortcomings in someway or another. I think it is most unfortunate that such a feeling should have grown up. It has been due to criticisms which have been passed on the style of questions put not so much in this Council, as in the Councils of other provinces, and I think in many cases these criticisms, whether applied to other provinces or applied to this province, have not been altogether reasonable or sympathetic. I certainly feel that I have nothing very much to complain of as regards the spirit with which interpellations have been put here but I think that we might put interpellations upon a better footing if it were thoroughly understood that the Government desire to deal with all the members of this Council as its trusted Councillors whom it wishes to associate with itself in its policy, and to whom it wishes to impart the information which it possesses."

Having regard to the testimony of the high authorities I have quoted, might we not ask for the removal of those restrictions which

seem to me to defeat the purposes of a beneficent legislation ? In the House of Commons "sometimes when an answer has been given, further questions are addressed to the Minister on the same subject", apparently with a view to offer an explanation or remove a misconception. In the House of Lords greater latitude is allowed in putting questions... One of the objects which the Government had in view in conferring the right of interpellation was to afford opportunities for clearing up misconceptions with regard to the measures of Government and the conduct of officials. Looking at the matter from this standpoint, it seems to me that the object which the Government had in view would be best served by adopting the practice of the House of Commons—a practice which has been sanctioned by the wisdom of ages.

Under the Indian Councils Act of 1892 not only have the Councils been partially reconstituted, but their functions have been enlarged—the discussion of the Budget has been allowed, whether it is proposed to levy any new tax or not. This right, however, is to be exercised subject to an important reservation. Members may discuss the Budget—may make any observations they please—but they cannot move any Resolution in respect of any item in the Budget or divide the Council thereupon. This seems to me to be altogether a needless restriction, having regard to the fact that the Government has a standing majority in the Councils. If the non-official members were united to a man they could not carry any Resolution, if the Government was firmly resolved to oppose it. I venture to submit that if there is one class of questions more than another in respect of which the representatives of the people should exercise any control, it is financial questions. "No taxation without representation" is the theory of modern civilised government. We do not ask the Government to embody this principle in the administration of the country. We know that politics is a practical art, and it cannot deal with principles in the abstract. Every political principle must be tested by reference to the actual circumstances under which it is sought to apply it ; but when, as in this case, the acceptance of our recommendation can lead to no practical inconvenience but, on the contrary, is calculated still further to extend the immediate objects of the Indian Councils Act of 1892, and to add to the popularity of the Administration, we feel that we stand on sure ground, and that we may appeal with confidence to the Government to adopt it.....

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The question of the Budget naturally leads me to consider how our laws are made. A private member may, indeed, introduce a Bill subject to leave being granted by Government. Practically, however,

the work of legislation is left in the hands of the Government. It must be so in this as in all other countries. So far as the local Councils are concerned, if it is proposed to introduce a Bill, it is prepared by the Local Government in the Legislative Department. It is then submitted to the Government of India, and the sanction of the Government having been obtained, it is introduced into the Council. In the Governor-General's Council before a Bill is introduced it is submitted for the sanction of the Secretary of State. The result is that, whether a Bill is introduced into a local Legislative Council with the assent of the Government of India, or into the Supreme Legislative Council with the assent of the Secretary of State, the sanction of superior authority in each case operates in the nature of a mandate upon the somewhat susceptible minds of official members. They vote in solid phalanx. The amendments of non-official members have absolutely no chance. There is the mandate, express or implied. The Bill must be passed as assented to by the Government of India or the Secretary of State. Legislation under these circumstances becomes a foregone conclusion—the debate a mere formal ceremony—some people will call it a farce.

But the theory of a mandate was never so broadly stated as it was last year by His Excellency the Viceroy and some of his official colleagues, on the occasion of the debate on the Excise Bill. Sir Henry Brackenbury, the Military Member, observed with the bluntness of a soldier that in the matter of voting "they were bound to obey orders given by proper and constituted authority." His Excellency the Viceroy would not accord to members absolute freedom "to speak and vote in the Council for the measure they think best." The right must be exercised subject to an important qualification—they must recognise the responsibility under which they exercise their rights in the Council. His Excellency went on to observe that even Members of Parliament are not free to act as they please, but are distinctly subject to the mandate from higher authority, to vote not in accordance with the dictates of one's conscience, but rather in obedience to superior authority. This elicited a strong protest in Council from Sir Griffith Evans, Mr. Pherozeshah Mehta and others, and I am sure you, too, will record your protest against a principle which, if accepted, would be fatal to the independence of non-official Members of Council. Whether or not Members of Parliament act under any mandate received from their constituents is a matter which we need not discuss here. Members of Parliament are well able to take care of themselves and their consciences. The mandate theory is an old theory—it does not appear before us even in a new garb. After the lapse of a century, it is presented to us in the naked-

ness of its original simplicity. It formed the subject of an emphatic protest from Edmund Burke, one of the greatest names in English politics. His colleagues in the representation of Bristol had raised the question, and Burke replied in a letter which has found a permanent place in the political literature of England. I will read an extract from his letter to the electors of Bristol, which might fittingly be laid before those who take a different view of the subject :

"Authoritative instructions, mandates issued, which the member is bound blindly and implicitly obey to vote, and to argue for, though contrary to the clearest conviction of his judgment and conscience—these are things utterly unknown to the laws of the land, and which arise from a fundamental mistake of the whole order and tenor of our constitution."

Yet Burke was a Conservative. He called himself a Whig but he was truly a Conservative statesman .....Lorn Elgin is a Radical and a Home Ruler. It would almost seem that in this matter the Conservatism of the last century was really more sound and progressive than the Liberalism of the present. It is remarkable that only a year before this exposition of the mandate theory, a very different exposition had been heard of the same theory in the Council Chamber of the Bengal Legislative Council. It was on the eve of the enlargement of the Council. Popular constituencies were about to be formed. Mandates might be issued by these constituencies upon their representatives. To be forewarned is to be forearmed. Sir Charles Elliott took time by the forelock, as he always did when he was in office, and warned would-be representatives against the contingency of mandate being issued by their constituents. Thus he observed from his place in the Bengal Council on the 25th February, 1893 :

"We are now on the eve of an important reconstruction of this Council the details of which are at present unknown. But we are aware that there will be a considerable extension and expansion of the principle of representation, and I think it very important that it should be understood to what extent and of what character the representation ought to be. I do not venture to forecast what orders we may receive from the Secretary of State or from the Government of India on this subject, but I wish most emphatically to record my agreement with what has fallen from the Advocate-General, that, however much a Member of this Council may be a representative of any Corporation, or of any interest, or of any body or Association existing in these provinces, he will, on his appointment as a Member of this Council, act according to his lights and according to his conscience. His position ought not to be that of a delegate, and he ought not to be called upon to record his vote in accordance with the

views of constituents whom he repreresents, unless he heartily and personally argrees with them."

Whose authority are we to accept, that of the Viceroy or his late lieutenant ? It is seldom that we find Sir Charles Elliott on the popular side. When he is with us, we may be quite sure that we have exceptionally good reasons for thinking that we are in the right.

Somehow or other, Secretaries of State, and before them the Board of Control, have been wedded to this mandate theory. They have claimed this right from time to time. The Duke of Argyle in a Despatch, dated the 24th November, 1870, maintained :

"The Government of India were mere Executive Officers of the Home Government who had the ultimate power of requiring the Governor-General to introduce a measure and of requiring also all the officials Members of the Council to vote for it."

The theory has, however, been always strenuously resisted by the independent Members of Council, and by none more strenuously than by Sir Barnes Peacock, perhaps the greatest English lawyer who ever set foot on Indian soil. He said :

"He had always understood and he still held, that the office of a Member of Council was a high and honourable one ; but if he believed that the constitution of this Council was such that its Members were bound to legislate in any manner that either the Board of Control or the Honourable Court of Directors might order, he should say that instead of being a high and honourable office it was one which no man who had a regard for his own honour and independence could consent to hold ; for his own part he would state freely and without hesitation that he would rather resign his office than hold it on that tenure...He believed that the trust and duty committed to every Member of the Legislative Council was to act according to his own judgment and conscience."

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"That this Congress notes with satisfaction that the right of interpellation, vested in non-official members of the Legislative Councils, has, on the whole, been exercised in a spirit of moderation, which has secured the approval of the authorities here and in England ; and the Congress, being of opinion that the practical utility of interpellations would be greatly enhanced, if the members putting them were allowed to preface their questions by a short explanation of the reasons for them, urges that the right to make such explanations ought to be granted." *11 : 1895 : Poona XI.*

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"That this Congress, while fully sympathising with any genuine effort which the Government may make for the suppression of law-

touts, views with grave alarm those provisions of the Bill to amend the Legal Practitioners' Act, now pending the consideration of the Supreme Legislative Council, which propose to invest District Judges and Revenue Commissioners with the power of dismissing legal practitioners and, in cases coming under the Act, to throw the entire burden of proving their innocence upon the later ; and this Congress being of opinion that the provisions of the Bill are calculated to prejudicially affect the independence of the Bar and to lower the position of legal practitioners in the eyes of the public without, in any way, helping to suppress law-touts or to further the ends of justice, urges that it should be dropped." *II : 1895 : Poona : XIII.*

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"That this Congress puts on record its emphatic protest against the retrograde policy that the Government of India have this time followed in nominating a gentleman for the Central Provinces to the Supreme Legislative Council without asking Local Bodies to make recommendations for such nomination and earnestly hopes that Government will be pleased to take early steps to give to Central Provinces the same kind of representation that it has already granted to Bengal, Madras, Bombay and the N.W. Provinces."

11 : 1895 : Poona : XV.

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"That this Congress views with alarm and anxiety the changes proposed in the existing law of sedition as defined in Section 124-A, and is of opinion that Section 124-A of the Indian Penal Code requires amendment, not in the direction of greater stringency but in that of great freedom, and if the law of sedition in India is to be made the same as it is in England, the administration of it ought to be safeguarded substantially in the same way as it is there, namely, that the trial of accused persons must always be by jury, at least one half of whom should be persons of the same nationality as the accused, and that their verdict should be unanimous. And this Congress strongly protests against cases of sedition being made triable by Magistrates and not by Courts of Sessions and High Courts exclusively, as heretofore, and against the proposal to invest District Magistrate with the power of calling upon persons who, in their opinion, disseminate disaffection, to find sureties of good behaviour for twelve months. This Congress is further of opinion that the changes in the law not proposed will be altogether at variance with the pledges given by Sir James Fitz James Stephen when passing Section 124-A of the Indian Penal Code through the Council and will deal an irreparable blow to liberty of speech and freedom of the press, thus retarding the progress of the country and creating terror instead of confidence in the minds of the people.

That a copy of this Resolution be submitted to the Legislative Council by the President." *13 : 1898 : Amraoti : XIII.*

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"That this Congress desires to record its protest against the Criminal Procedure Bill of 1897 now pending before the Imperial Legislative Council as being a retrograde and reactionary measure, which will add to the already large powers of the Police, invest Magistrates with a discretionary authority which they do not now possess, and curtail the powers of the High Courts, all to the extreme prejudice of accused persons." *13 : 1897 : Amraoti : XIV.*

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"That the Province of Berar, though not a part of British India, is administered by the Governor-General-in-Council in the same way as any portion of British India, but the important work of legislating for the province is performed by the Executive, instead of by the Legislative Council, resulting often in unsuitable and inconvenient legislation. This Congress, therefore, humbly prays that so long as Berar is administered by the Governor-General-in-Council all laws and orders having the force of law intended for Berar should be enacted by the Supreme Legislative Council in the same way as those for British India proper." *13 : 1897 : Amraoti : XVI.*

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INDIAN NATIONAL CONGRESS ON PARTIAL INDIANISATION OF EXECUTIVE COUNCIL

Presidential Address of A. M. Bose, Madras, 1898

I will not dwell on the necessity, which recent events have only served to emphasize, of the further need of reform in our Legislative Councils. (The subject has often been before us. But let me draw your attention to the question of the constitution of our Executive Councils, and ask the Government on your behalf whether the time has not fully come for remodelling them, and admitting adequate Indian representation in those bodies. It is these bodies that shape and guide the whole of the administrative policy of the Government, and decide questions of supreme importance to the happiness and well-being of the people—questions often of far greater moment than those that come before the Legislative Councils. At present, out of the two hundred millions and more of India's people, not one solitary individual finds a place in any of those Councils ; and as we know, the Legislative Bodies exercise no sort of control, direct or indirect, over them. Their deliberations are in secret chambers, and not even the faintest echo of suggestion, in-

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Congress Presidential Addresses, Vol. I, pp 339–389
Also in
Banerjee, A.C.. *Indian Constitutional Documents*, Vol. II, pp. 152-153

formation, or criticism can reach them from a public more ignorant of their proceedings than of the movements of the double stars or the composition of the Milky Way in the far off heavens. Is it, Ladies and Gentlemen, necessary to point out, is it necessary to argue the point, that the most honest, and impartial and fair-minded of tribunals cannot decide justly or do right unless every information is placed, every interest represented and every side of the question discussed before it ? Is this not the explanation of the mistakes—I need not refer to the policy of these two years—which have admittedly been made in the past and which, as I have shewn, were subsequently rectified when further light was sought from independent public opinion under pressure from England ? We are fully aware of the need for the expansion and reform of our Legislative Councils. There is need, grave need, Brother Delegates, for the expansion and reform of our Executive Councils also, and it may be, of their formation where they do not exist, with adequate Indian representation in them.....

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"That this Congress regrets, that, in despite of its protest at its last sitting and the protest of many public bodies and eminent men, English and Indian, the amendments proposed in the Indian Penal Code, and the Criminal Procedure Code, which are calculated to unduly enlarge the powers of the Police and the Magistracy, to fetter the freedom of the Press and to restrict liberty of speech, have been carried through the Imperial Legislative Council, and urges their repeal." *14 : 1898 : Madras : IV.*

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"That this Congress respectfully urges upon the Government the necessity of repealing Bengal Regulation III of 1818, Madras Regulation II of 1819, and Bombay Regulation XXV of 1827, inasmuch as the principle and provisions thereof are contrary to the traditions and sense of justice of the Government of Her Most Gracious Majesty, and indeed of all civilised Governments, and in as much as they are a standing menace to the liberty of the subjects." *14 : 1898 : Madras : XV.*

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"This Congress, while thanking the Government for granting the boon of a Legislative Council to the Punjab, places on record its regret that they have not extended to the Councillors the right of interpellation, and to the people the right of recommending Councillors for nomination such as are enjoyed by the Councillors and people in the other Provinces." *14 : 1898 : Mardas : XXI.*

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Presidential Address of R.C. Dutt, Lucknow, 1899*

".....at least one Member of the Executive Council should be an Indian Gentleman with experience in administrative work, and representing the views of his countrymen. It is usual for a Member of an Executive Council to have a portfolio, *i.e.*, to have one department of work assigned to him ; and the work which I would assign to the Indian Member is Land Revenue, Industries and Agriculture. There is no department of work in which an Indian Member can make himself more useful, or make his services more valuable to the voiceless millions of cultivators and artisans. The addition of one Indian Member will not weaken Provincial Administration ; it will strengthen such Administration, make it more sympathetic, and bring it into somewhat closer touch with the people.

And, Gentlemen, am I aspiring too high when I hope for similar seats for Indian Members in the cloudy heights of Imperial Simla ? Am I urging anything unreasonable when I propose that the Viceroy, who has the benefit of consulting experienced English administrators, in his Executive Council, should also have the advantage of hearing the views and opinions of a few Indian Members in the same Council before he decides on questions affecting the interests of the people of India ? Am I urging anything unwise when I propose that the Viceroy, when he considers measures affecting the condition of the indebted cultivators, the operations of plague and famine relief, the rules of Land Revenue Settlements, the questions affecting Hindu and Mohammedan customs and manners, should have by him, in his own Executive Council, a few Indian Gentlemen who represent the views, the opinions and the feelings of the people ? An Executive Council cannot be much enlarged without loss of efficiency : but surely the Viceroy's Council could make room for three Indian Gentlemen, one to represent Bengal and Assam, another to represent the North-West and the Punjab, and the third to represent Bombay, Madras and the Central Provinces. The selection should rest, of course, with the Viceroy himself, for anything like election into an Executive Council would be absurd ; and the three Indian Members should be entrusted with the departments of Agriculture, Industries and Land Revenue of their respective Provinces (.....I myself think that the administration of the country would be vastly improved by such representation of Indian opinions in our highest Councils, and that the Government of India and the Government of the Provinces would be brought in closer touch with the people.")

**Congress Presidential Addresses* Vol. I, pp. 390-423.
Also in
Banerjee, A.C., *Indian Constitutional Documents*, Vol. II, pp. 151.

".....The object of allowing District and Municipal bodies to elect members of these (*i.e.*, Provincial Legislative) Councils was to allow the views of the people to be represented, and I think every responsible administrator in India will admit that this wise step has improved and strengthened the legislative machinery of the Government. Even when the views of the elected members are rejected—and they are often rejected—even then the expression of their views is a gain to the cause of Administration. The time has now come when a fuller scope may be given to this expression of our views and the representation of our opinions." Half a dozen members, elected under somewhat complicated rules, can scarcely give expression to the views of the people of a Province with a population of thirty or forty millions or more. Is it too much to hope that in the not very remote future the Government will find it possible to permit every district to be represented by its own member? I do not object to the number of official and nominated members being also increased;..... I do not object to the head of the Government reserving the power of vetoing a measure, even against the views of the majority of the Council, in urgent cases.....With these safeguards, I would suggest an expansion of the Provincial Councils on the basis of each district being represented by its member, so that there may be an adequate expression of the people's opinions and views on every question. We do not wish for the absolute control of the administration of the country, but we do demand an adequate means of placing our views before the Government before it decides on questions affecting our welfare."

"(*a*) That this Congress regrets the introduction into the Supreme Legislative Council of a Bill to amend the Law relating to agricultural land in the Punjab, with a view to restrict alienation of land as proposed in the Bill by sale or mortgage, which is calculated (1) to decrease the credit of the agriculturists and landholders, (2) to make them more resourceless on account of their inability to meet the ever-increasing State demands upon their land; and this Congress is of opinion that the provision to give retrospective effect to the Bill is inequitable and unfair.

(*b*) That this Congress recommends that real relief be afforded to the cultivating classes in the following way: that where the Government is the rent-receiver, the rule proposed in 1882, prohibiting any enhancement except on the ground of rise in prices, be enforced, and that where private landlords are the rent-receivers, some provision to prohibit undue enhancement of rent be made.

(*c*) This Congress further resolves that a Committee consisting of the President, Mr. Jaishi Ram, Mr. N. Gupta, Mr. Wacha, Munshi

Madho Lal, Mr. Madhulkar and Mr. Ikbal Shanker be appointed and empowered to submit representation to the Government, pointing out the unsuitable nature of many of the provisions of the Bill."

15 : 1899 : Lucknow : II.

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"That it is the opinion of this Congress that the principle embodied in the Foreign Telegraphic Press Messages Bill, now pending before the Supreme Legislative Council, is opposed to the policy followed by the British Government in India as to the unrestricted dissemination of useful knowledge and information, and that no adequate necessity is shown to exist for the passing of the proposed measure in British India." *15 : 1899 : Lucknow : VI.*

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"That this Congress, while thanking the Government for granting the boon of a Legislative Council to the Punjab, places on records its regret that they have not extended to the Councillors the right of interpellation, and to the people the right of recommending Councillors for nomination, such as are enjoyed by the Councillors and the people in the other provinces." *15 : 1899 : Lucknow : XVII.*

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"That this Congress reaffirms its protest against the Currency Legislation of 1893 which has artificially enhanced the value of the rupee by over 30 per cent, which indirectly enhances all taxation to that extent, and which, whilst giving the Government large surpluses from year to year owing to this heavy indirect taxation,—and that too in times of unexampled distress brought about by famines—affects most detrimentally the wealth-producing institutions of the country, *viz.*, agriculture, plantation, and manufacture. That it is further of opinion that the above-mentioned legislation has alarmingly diminished the power of the peasantry to withstand the attacks of natural calamities and that the most deplorable consequences may be anticipated to follow from it in course of time."

17 : 1901 : Calcutta : XVII.

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"(*a*) That this Congress, concurring with previous Congresses, again records its deep regret that the labours of the Public Service Commission have practically proved void of any good result to the

people of this country ; that while the recommendations of the Commission did not secure justice to the claims of the people of the country to larger and more extended employment in the higher grades of the Public Service, the Government have not even carried them out in the integrity, and have not extended the principle of appointing Indians to new appointments since created from time to time and in Special Departments such as the Salt, Opium, Medical and Police Departments, the Survey Department of the Government of India, the Government Telegraph Department, the Indo-British Telegraph Department, the Mint Department, the Postal Department, and the Foreign Department.

(*b*) That in the opinion of this Congress the recent policy of the heads of departments and of the authorities responsible for Railway administrations prescribing the appointment of Indians in the Public and the Railway Services is a grave violation of the pledges and assurances given by the Government.

(*c*) That in the opinion of this Congress in order to arrest the economic drain that is caused by the present system of appointments by the Government, to secure to the people of the country the invaluable benefit of the experience and knowledge which a training in the Public Service affords, and to introduce economy in the administration, a policy of free employment of the natives of the soil in all branches of the service, is imperatively demanded."

19 : 1903 : Madras : II.

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"That this Congress views with entire disapproval the Official Secrets Bill now before the Supreme Legislative Council inasmuch as it is uncalled for, against the interests of the public, dangerous to individual liberty and retrograde in policy, and prays that the Government of India may be pleased to confine its scope to the disclosure of Naval and Military secrets." *19 : 1903 : Madras : VI.*

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"That this Congress concurs with previous Congresses in strongly advocating :—

(*a*) that, with a view that the Judicial Committee of the Privy Council may enjoy greater respect and confidence, it is necessary to constitute it on a broader basis and that the time is ripe for the appointment of Indian Lawyers of eminence as Lords of the Judicial Committee to participate in the decision of Indian appeals ;

(*b*) that the grant of exchange compensation allowance to the non-domiciled European and Eurasian employees of Government should be discontinued ;

(*c*) that the rules under the Arms Act should be modified so as

to make them equally applicable to all residents in, or visitors to India without distinction of creed, colour or caste, to ensure the liberal concession of Licences wherever wild animals habitually destroy human life, cattle or crops, and to make all licences granted under the revised rules of life-long tenure revocable only on proof of misuse and valid throughout the Provincial jurisdiction in which they are issued ;

(*d*) that a widespread system of volunteering such as obtains in Great Britain should be introduced amongst the people of India ;

(*e*) that a High Court of Judicature be established in the Punjab ;

(*f*) that inasmuch as the scheme for organisation of the Education Service is calculated to exclude natives of India, including those who have been educated in England from the superior grade of the Educational Service, to which they have hitherto been admitted, the scheme should be recast, so as to afford facilities for the admission of Indian graduates to the superior grade of the Educational Service ;

(*g*) that the act of the Secretary of State for India in fixing the limit at two posts more than which natives of India should not compete for, in the Cooper's Hill College is opposed to the plain words of Act I of 1833, and to Her late Majesty's Proclamation ;"

(*h*) that the system of Trial by Jury should be extended in the districts to offences to which at present it does not apply and that the verdicts of Juries should be final ;

(*i*) that it is desirable that the Criminal Procedure Code should be so amended as to confer upon accused persons who are natives of India, the right of claiming in Trials by Jury before the High Court and in trials with the aid of Assessors that not less than half the number of the Jurors or Assessors shall be natives of India ;

(*j*) that the existing rules framed by the different provincial Governments, in the matter of the Forest Department, are opposed to the Resolution of the Government of India made in 1894 with the object of enunciating the objects of Forest Conservancy and that an amendment of the rules in conformity with the above Resolution is urgently called for in the interests of the inhabitants of rural India ;

(*k*) that the necessity is urgent for the complete separation of Executive and Judicial functions, so that, in no case, shall the two functions be combined in the same officer ;

(*l*) that the simultaneous holding in India and in England, of all examinations for all Civil branches of the Public Service in India, at present held only in England, should be conceded.

(*m*) that an enquiry into the economic condition of the Indian

Ryot as urged by the members of the Famine Union in England, in their appeal to the Secretary of State for India, should be instituted."

19 : 1903 : Madras : XIII.

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INDIAN NATIONAL CONGRESS AND THE IDEAL OF COLONIAL SELF-GOVERNMENT

Presidential Address of Sir Henry Cotton, Bombay, 1904*

".....The ideal of an Indian patriot is the establishment of a federation of free and separate states, the United States of India, placed on a fraternal footing with the self-governing colonies, each with its own local autonomy, cemented together under the aegis of Great Britain. That is a forecast of a future, dim and distant though it be...."

"This Congress places on record its deep regret that the Report of the Police Commission has still been withheld by the Government from the public, though it is now two years since the Commission reported, and though portions of it have found their way into the columns of papers beyond the reach of the Official Secrets' Act.

In view of the great urgency of a thorough reform of the Police force of the country, in view further of the large public interests involved in a satisfactory solution of the question and the obvious necessity in consequence of giving the public ample opportunity to express its views before the authorities proceed to formulate a scheme of reform, in view, finally, of the fact that all public criticism expressed after the subject has been considered by both the Government of India and the Secretary of State for India is bound to be virtually ineffective, this Congress earnestly urges the publication of the Commission's Report without any further delay."

20 : 1904 : Bombay : XI.

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"Presidential Address of G.K. Gokhale, Banaras, 1905"**

".....Gentlemen, how true it is that to every thing there is an end ! Thus even the Viceroyalty of Lord Curzon has come to a close ! For seven long years all eyes had constantly to turn to one masterful figure in the land,—now in admiration, now in astonishment, more often in anger and in pain, till at last it has become difficult to realise that a change has really come. For a parallel to such an administration we must, I think, go back to the times of Aurangzeb in the history of our own country. There we find the same attempt at a rule

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**Congress Presidential Addresses*, Vol. I, pp. 660-648.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, p. 203.
**"*Congress Presidential Addresses*". Vol. I, pp. 687-716.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 200-203,

excessively centralized and intensely personal, the same strenuous purpose, the same overpowering consciousness of duty, the same marvellous capacity for work, the same sense of loneliness, the same persistence in a policy of distrust and repression, resulting in bitter exasperation all around. I think even the most devoted admirer of Lord Curzon cannot claim that he has strengthened the foundations of British rule in India. In some respects, His Lordship will always be recognised as one of the greatest Englishmen that ever came out to this country. His wonderful intellectual gifts, his brilliant powers of expression, his phenomenal energy, his boundless enthusiasm for work,—these will ever be a theme of just and unstinted praise. But the gods are jealous, and amidst such lavish endowments, they withheld from him a sympathetic imagination, without which no man can ever understand an alien people ; and it is a sad truth that to the end of his administration Lord Curzon did not really understand the people of India. This was at the root of his many inconsistencies and made him a perpetual puzzle to most men. And thus the man, who professed in all sincerity, before he assumed the reins of office, his great anxiety to show the utmost deference to the feelings and even the prejudices of those over whom he was sent to rule, ended by denouncing in unmeasured terms not only the present generation of Indians but also their remote ancestors and even the ideals of their race, which they cherish above everything else ; he who, in the early part of his administration, publicly warned the official classes that "official wisdom is not so transcendant as to be superior to the stimulus and guidance" of public opinon, and who declared that in the present state of India "the opinion of the educated classes is one which it is not statesmanship to ignore or to despise", ended by trampling more systematicaliy upon that opinion than any of his predecessors, and claiming for his own judgment and that of his official colleagues a virtual character of infallibility.

The fact is that Lord Curzon came to India with certain fixed ideas. To him India was a country where the Englisman was to monopolise for all time all power and talk all the while of duty. The Indian's only business was to be governed and it was a sacrilege on his part to have any other aspiration. In his scheme of things there was no room for the educated classes of the country ; and having failed to amuse them for any length of time by an empty show of taking them into confidence, he proceeded in the end to repress them. Even in his last farewell speech at the Byculla Club in Bombay, India exists only as a scene of the Englishman's labours, with the toiling millions of the country—eighty per cent of the population—in the background. The remaining twenty per cent, for aught they are worth, might as well

be gently swept into the sea ! Had Lord Curzon been less selfcentred, had he had more humility in his nature, he might perhaps have discovered his mistake before it was too late. This would probably have enabled him to avoid giving so much offence and causing so much pain as he unhappily did during the last two years, but I doubt if the main current of his administration would even then have flowed in another channel. Lord Curzon's highest ideal of statesmanship is efficiency of administration. He does not believe in what Mr. Gladstone used to call the principle of liberty as a factor of human progress. He has no sympathy with popular aspirations, and when he finds them among a subject people, he thinks he is rendering their country a service by trying to put them down. Thus in his Byculla Club speech he actually stated that he had not offered political concessions to the people of India because he "did not regard it as wisdom or statesmanship in the interests of India itself to do so" ! Taking Lord Curzon at his highest, we find him engaged in a Herculean attempt to strengthen the Englishman's monopoly of power in India and stem the tide of popular agitation and discontent by rousing the members of the bureaucracy to a sense of duty similar to his own and raising the standard of administrative efficiency all round. The attempt has failed, as it was bound to fail. Never was discontent in India more acute and widespread than when the late Viceroy laid down the reins of office ; and as regards the bureaucratic monopoly of power, I think we are sensibly nearer the time when it will be successfully assailed.

One claim Lord Curzon advanced in his farewell speech at Bombay, which it is necessary to examine a little. He told his hearers, as he had done once before,.....that even if he had incurred the hostility of educated Indians, the masses would be grateful to him for what he had done for them. This attempt to distinguish between the interests of the educated classes and those of the bulk of their countrymen is a favourite device with those who seek to repress the legitimate aspirations of our people. It is significant that Lord Curzon had never resorted to it till he had finally broken with the educated classes. We know, of course, that the distinction is unreal and ridiculous and we know also that most of those who use it as a convenient means to disparage the educated classes cannot themselves really believe in it. Lord Curzon mentions the reduction of the salt duty, the writing off of famine arrears, the increased grants to primary education and to irrigation, the attempt at Police reform as measures on which he bases his claim. The suggestion here is that he adopted these measures for the good of the masses in spite of the opposition —at any rate, the indifference—of the educated classes, when the plain fact is that it was the Congress that had been urging

these measures year after year on the attention of Government and that it was only after years of persistent agitation that it was able to move the Government in the desired direction....."

".....The goal of the Congress is that India should be governed in the interests of the Indians themselves, and that in course of time a form of Government should be attained in this country similar to what exists in the self-governing Colonies of the British Empire. For better, for wrose, our destinies are now linked with those of England and the Congress freely recognises that whatever advance we seek must be within the Empire itself. That advance, moreover, can only be gradual, as at each stage of the progress it may be necessary for us to pass through a brief course of apprenticeship before we are enabled to go to the next one ; for it is a reasonable proposition that the sense of responsibility, required for the proper exercise of the political institutions of the West, can be acquired by an Eastern people through practical training and experiment only. To admit this is not to express any agreement with those who usually oppose all attempts at reform on the plea that the people are not ready for it. "It is liberty alone," says Mr. Gladstone in words of profound wisdom, "which fits men for liberty....."

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In my humble opinion our immediate demands should be :—

(1) A reform of our Legislative Councils, raising the proportion of elected members to one-half, requiring the Budgets to be formally passed by the Councils and empowering the members to bring forward amendments, with safeguards for brining the debates to a close in a reasonable time. The Presidents of the Councils should have the power of veto.....

(2) The appointment of at least three Indians to the Secretary of State's Council, to be returned one each by the three older provinces.

(3) The creation of Advisory Boards in all districts throughout India, whom the heads of districts should be bound to consult in important matters of administration concerning the public before taking action. For the present their functions should be only advisory, the Collectors or District Magistrates being at liberty to set aside their advice at their discretion. Half the members of a Board should be elected representatives of the different *Talukas* or Sub-Divisions of the District and the other half should consist of the principal District Officers and such non-official gentlemen as the head of the district may appoint. These Boards must not be confounded with what are known as District Local Boards.....

(4) The recruitment of the Judicial Branch of the Indian Civil Service from the legal profession in India.

(5) The separation of Judicial and Executive functions.

(6) A reduction of Military expenditure.

(7) A large extension of primary education.

(8) Facilities for industrial and technical education.

(9) An experimental measure to deal with the indebtedness of the peasantry over a selected area."

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Presidential Address of Rao Bahadur R.N. Mudholker, Bankipore, 1912*

The first thing we have to address ourselves to is the removal of the anomalies, the inequalities and the defects in the Council Regulations. These fall under the following heads :—

(*a*) Wrong methods adopted in the application of the principle of communal representation.

(*b*) Differential treatment and unequal privileges.

(*c*) Omission to extend the principle of representation to some important tracts.

(*d*) Faulty method of election adopted in certain cases.

As regards communal representation, the Congress has in view of existing circumstances recognised the expediency of adopting it ; but we contend that the principle on which it is allowable being the desirability of granting representation to important minorities, effect has to be given to it as much in the case of the Hindus when they are in a minority, as has been done in the case of the Mohammedans....

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A highly objectionable feature of the present regulations in the matter of communal representation is the constitution of separate Mohammedan electorates. Gentlemen, in my opinion nothing is more calculated to retard the concord and harmony between Mohammedans and Hindus, to obstruct the intellectual and political advancement of the Mohammedans themselves, and the growth of a sturdy catholic public spirit and life amongst them than these water-tight compartments of separate electorates .....

More objectionable than even separate electorates are the inequalities in the franchise. While the franchise is in a wise and liberal spirit conferred upon the middle class Moslem landholders, traders, merchants, graduates and professional men, no similar right

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**Congress Presidential Addresses*, Vol. II, pp. 58-112.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 271-273.

is extended to the corresponding classes of the non-Moslem communities.....In this matter we do not seek to bring down the Mohammedan community to our level. We want the non-Moslem communities to be raised to theirs.

Another inequality and hardship which has to be rectified is about the representation of those parts of British India like the North-Western Frontier Province, Coorg and Ajmer-Merwara which are under the direct administration of the Governor-General. These latter should be made into one constituency and one non-official member should be allotted to them.

Then there is the hard case of those tracts and districts which do not form part of British India technically as not being possessed in full sovereignty, but yet being held on a permanent tenure with exclusive and plenary powers of administration vested in the British Government, are, for practical purposes, in no way distinguishable from territories held in fee-simple. These are also entitled to be represented in the Council of the country.

The removal of these inequalities and anomalies would necessitate a certain increase in the number – about 5 or 6—of non-official members and a corresponding addition to official members. This is not a very radical change and does not involve any deviation from accepted principles. It can by no means be called an organic change. Of course Parliamentary legislation is necessary, but it would only be in regard to the schedules.

Another matter is the substitution of direct election in place of indirect wherever the latter system still exists. The abolition of the machinery of electoral colleges, which is a clumsy and unsatisfactory device, is necessary for securing the full benefit of the principle of election to the extent that it has been granted.....The process of double distillation results on no rare occasions in the election of a candidate put forward by a minority. This again is not an organic change. It does not even require a resort to Parliament. A change has to be made only in the Regulations and this is within the competence of the Government of India and the Secretary of State.

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Presidential Address of Pandit Bishan Narayan Dar, Calcutta, 1911*

"First, as to the principle of communal representation. That it is an innovation in the governmental system, will, I hope, be readily admitted. But for the purpose of my argument, I assume its expediency under the present state of things and contend only against

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Congress Presidential Addresses, Vol. II, pp. 1-57.
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 270-271.

the method of its application. India is unfortunately split up into many communities, each of which is entitled to its proper share of representation and no sensible man has ever disputed this claim. But to secure representation in the Councils to every important community by a general electorate is one thing, and to secure it by its own communal and exclusive suffrage is quite another. While the former is a unifying agency which enables men of each community to co-operate with those of others in the common interests of the whole country, the latter is a disintegrating agency by which sectional interests come to claim the first regard of every member and those difficulties and troubles arise which we notice in respect of the separate representation of Mohammedans and landlords.....

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Our next complaint against the Regulations is that they have given us an extremely limited franchise, and except in the case of Mohammedans and landlords, the representation of the middle classes has been secured by indirect elections.

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Another point upon which I should like to make a few observations refers to the position of non-official majorities in Provincial Councils. One general objection which applies to all Councils is that the non-official majority is composed of both elected and nominated members, which, as the Councils are now constituted, means a standing and indeed an overwhelming official majority in every one of them. The Bengal Council is better off in this respect, for there the elected members have a small majority ; but this too, is ineffective as some of the elected members are practically official members. In every other Council the members returned under the present system are in a minority as against the official and nominated members combined.....

The authorities instead of giving us a genuine non-official majority have given us an illusory one."

Presidential Address of Pandit Madan Mohan Malaviya Lahore, 1909*

(Happily for India, just as had happened at the end of Lord Lytton's administration, there was a change, at the close of Lord Curzon's reign, of the Ministry in England and the Liberal Government came into power. The faith of a large body of educated Indians in the efficacy of constitutional agitation had been undermined by the failure of all the efforts of the people of Bengal, made by prayer and petition, to avert the evil of the partition. But Mr. John Morley,

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*Congress Presidential Address, Vol. I pp. 796-858.
Also in
Banerjee, A. C. *Indian Constitutional Documents*, Vol. II, pp. 260-270.

who had long been admired and adored by educated Indians as a great lover of liberty and justice happily became Secretary of State for India, and the hearts of educated Indians began to beat with the hope that their agitation for a real measure of Self-Government might succeed during the period of his office). Our esteemed brother Mr. Gokhale was appointed its trusted delegate to England by the Congress which met at Benares and over which he so worthily presided, to urge the more pressing proposals of Reform on the attention of the authorities there. What excellent work our friend did in England, how he passed the urgent necessity and the entire reasonableness of the Rerforms suggested by the Congress, and prepared the mind of the men in power there to give a favourable consideration to our proposals, it is not for me here to tell. In the meantime, gentlemen, our liberal-minded Viceroy, Lord Minto, who found himself face to face with the legacy of a deep and wide-spread discontent which his brilliant but unwise predecessor had left to him, had taken a statesmanlike note of the signs of the times and the needs of the country, and had appointed a Committee of his Council to consider and report what changes should be introduced in the existing system of administration to make it suitable to altered conditions.

Ladies and gentlemen, up to this time, up to the beginning of October, 1906, our Mohammedan fellow-subjects did not trouble themselves with any question of Reforms in the system of administration. But there were some members of the Indian bureaucracy who were troubled with the thought that the liberal-minded Viceroy seriously contemplated important constitutional changes in tha system, and they knew that the statesman who was at the helm of Indian affairs in England was the high priest of Liberalism. They saw that there was every danger from their point of view, that the prayer of the educated class for the reform and expansion of the Legislative Councils, on a liberal basis, might be granted. They frankly, did not like it. And it was at this time that our Mohammedan fellow-subjects of the Aligarh school were roused from their apathy and indifference. They suddenly developed an interest — and an excessive interest too — in politics. A Mohammedan deputation was soon got up and waited on Lord Minto ! It claimed that Mohammedans were politically a more important community than other communities in India, and that they were therefore entitled to special consideration and even preferential treatment. I regret to say it, gentlemen, but it is my duty to say it, that the concession which His Excellency the Viceroy was persuaded to make to this utterly unjustifiable claim in his reply to that deputation, has been the root of much of the trouble which has arisen in connection with these Reforms. The

bureaucracy had, however, gained a point. The propasals for Reform which were formulated in the letter of Sir Harold Stuart, dated 24th August, 1907, gave abundant evidence of the bias of that body against those who had agitated for Reform. The proposals for the special representation of Mohammedans contained in it tended clearly to set one religion against another and to counterpoise the influence of the educated middle class. The proposals for the special representation of landholders, who had never asked to be treated as a separate class, also had their origin evidently in the same kind of feeling. So also the proposals for creating Imperial and Provincial Advisory Councils. Those proposals met with a general condemnation from thoughtful men all over the country, excepting, of course, some among the landholders and the Mohammedans. They could not meet with a welcome because they did not deserve it.

Later on the Government of India revised their provisional scheme in the light of the criticisms passed upon it, and with some important modifications submitted it to the Secretary of State for India. Lord Morley did not share the bias of the bureaucracy against the educated class, — it would have been as strange as said if he did. He recognised that they were an important factor, if not the most important factor, who deserved consideration. In his speech on the Indian Budget in 1907, His Lordship observed : "You often hear men talk of the educated section of India as a mere handful, an infinitesimal fraction. So they are in numbers. But it is idle—totally idle—to say that this infinitesimal fraction does not count. This educated section makes all the difference is making and will make all the difference." His Lordship appointed a Committee of his own Council to consider the scheme which the Government of India had submitted to him, and after receiving its report framed his own proposals which were published in the now famous Despatch of the 27th November, 1908. His Lordship had, indeed, accepted the substantial part of His Excellency the Viceroy's scheme, but he had liberalised it by the important changes he had made in it into a practically new scheme. The proposals for the Imperial and Advisory Councils which had been condemned by educated India were brushed unceremoniously aside. The Provincial Legislative Councils were to have a majority of non-official members, who were to be, with very few exceptions, elected and not nominated members. His Lordship had already appointed two distinguished Indians as members of his own Council. Indians were now to be appointed to the Executive Council of the Governor-General of India and of the Governors of Madras and Bombay. Similar Executive Councils were to be established, with one or more Indian members in them, in the other larger province, which were still ruled by

Lieutenant-Governors. Under a scheme of Decentralisation, Municipal and District Boards were to be vested with increased powers and to be freed from official control. The cause of Local Self-Government was to receive an effectual advance. Its roots were to be extended deep down into the villages.* Taking full note of the various interests for which representation had to be provided in the enlarged Council, Lord Morley suggested a scheme of Electoral College which, as was rightly claimed, was as simple as any scheme for the representation of minorities can be. It was built upon a system of a single vote, and fully avoided the evils of double and plural voting. It was equally free from the other objection to which the original proposals were open, *viz.*, that they would set one class against another. It gave the power to each section of the population to return a member in the proportion corresponding to its own proportion to the total population. This scheme, as we all know, was received throughout the country with feelings of great gratitude and gratification.

Now, gentlemen, the feature of the Reforms which most appealed to the minds of educated Indians was the proposal to appoint Indians to the Executive Councils of the Governor-General of India and of the Governors of Madras and Bombay, and the proposal to create similar Councils in the other large Provinces of India, which were placed under Lieutenant-Governors. The most unmistakable proof of this fact was found in the thrill of grateful satisfaction which passed all over the country when the announcement was made of the appointment of Mr. Satyendra Prasanna Sinha as a member of the Viceroy's Council. And I take this opportunity of tendering our most cordial thanks for that appointment both to Lord Minto and Lord Morley. That appointment has afforded the best proof of the desire of both Their Lordships to obliterate distinctions of race, creed and colour, and to admit Indians to the highest offices under the Crown for which they may be qualified, and it has been most sincerely and warmly appreciated as such by thoughtful Indians throughout the country. Our friends in Bombay and Madras will soon have the satisfaction of finding an Indian appointed to the Executive Councils of the Governors of their respective Provinces. And thanks to the large-hearted and liberal support given to the proposal by Sir Edward

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*. "It is evidently desirable. . . . .to present our revised constitutional system as a whole. From this point of view, it seems necessary to attempt without delay an effectual advance in the direction of local self-government. . . . the Resolution (of Lord Ripon, May 18, 1882). . . .treats the sub-division, taluka or the tahsil as the smallest administrative unit. It is a question whether it would not be wise policy to go further. The village in India has been the fundamental and indestructible unit of the social system, surviving the downfall of dynasty after dynasty. I desire Your Excellency-in-Council to consider the best way of carrying out a policy that would make the village a starting point of public life."—*Lord Morley's Despatch*, November 27, 1908.

Baker, our brethren in Bengal too will shortly have the satisfaction of seeing an Executive Council established in their province with an Indian as one of its members. But, gentlemen, the people of my own province—the United Provinces—and of the Punjab, of Eastern Bengal and Assam, and of Burma, have been kept out of the benefit of the undoubted advantages which would result by the judgment of the Lieutenant-Governor being "fortified and enlarged" (in the weighty words of Lord Morley's despatch) "by two or more competent advisers, with an official and responsible share in his deliberations." We in the United Provinces had looked eagerly forward to having an Executive Council created there at the same time that one would be established in Bengal. Hindus and Mohammedans, the landed aristocracy and the educated classes, were unanimous in their desire to see such Councils established. Bombay with a population of only 19 millions, Madras with a population of only 38 millions, have each long enjoyed the advantage of being governed by a Governor-in-Council. The United Provinces, which have a population of 48 millions, have been ruled all these many years and must yet continue to be ruled by a Lieutenant-Governor. Bengal, the population of which exceeds the population of the United Provinces by barely 3 millions, will have the benefit of an Executive Council. Not so the United Provinces ; nor yet Eastern Bengal and Assam which have a population of 31 millions, nor the Punjab which has a population somewhat larger than that of the Presidency of Bombay ! This is clearly unjust, and the injustice of it has nowhere been more keenly felt than in my own province.

Gentlemen, this is not a mere sentimental grievance with us. We find that the Presidencies of Madras and Bombay, which have had the benefit of being governed by a Governor-in-Council, have made far greater progress in every matter which affects the happiness of the people than my own province. And a conviction has gained ground in the minds of all thoughtful men that the Provinces will have no chance of coming abreast even of Bombay and Madras until they have a Government similar to that of those Provinces, so that there may be a reasonable continuity of policy in the administration and the proposals of the Provincial Government may receive greater consideration than they do at present from the Government of India and the Secretary of State.....

We all remember that Lord Morley had put forward a most carefully considered scheme of proportional representation on the basis of population. We, therefore, regretted to find that in the debate which took place on the Bill, His Lordship accepted the view that the Mohammedan community was entitled, on the ground of the political

importance which it claimed, to a larger representation than would be justified by its proportion to the total population. His Lordship was pleased, however, to indicate the extent of the larger representation which he was prepared to ensure to the Mohammedans after taking into account even their alleged political importance ; and though the educated non-Moslem public generally, and many far-seeing men among our Mohammedan fellow-subjects also, were, and still are opposed to any representation in the Legislatures of the country on the basis of religion, yet there were several amongst us who recognised the difficulty that had been created by Lord Minto's reply to the Mohammedan deputation at Simla, and were prepared not to demur to the larger representation of Mohammedans to the extent suggested by Lord Morley. We have prepared to agree that a certain amount of representation should be granted to them ; that they should try to secure it through the general electorates, and that if they failed to obtain the number of representatives fixed for them, they should be allowed to make up the number by election by special Mohammedan electorates formed for the purpose. The Regulations which have been published, however, not only provide that they shall elect the number of representatives which has been fixed for them on a consideration not only of their proportion to the total population but also of their alleged political importance, by special electorates created for the purpose, but they also permit them to take part in elections by mixed electorates, and thereby enable them to secure an excessive and undue representation of their particular community to the exclusion to a corresponding extent of the representatives of other communities. The system of single votes which was an essential feature of Lord Morley's scheme has been cast to the winds ; the injustice of double and plural voting which Lord Morley tried to avoid has been given the fullest play. In my province, and I believe in other provinces also, some of my Mohammedan fellow-subjects have voted in three places. So long as there was still a chance of getting the Government to increase the number of seats which were to be specially reserved to them, our astute friends of the Moslem League swore that none of them would seek election to the Councils by the votes of non-Moslems. When the Regulations were passed, they lost no time in concealing the Resolution of their League, and put forward candidates to contest almost every seat for which elections were to be made by mixed electorates. Members of Municipal and District Boards to whom the general franchise has been confined were elected or appointed at a time when Moslem League had not preached the gospel of separation. The electors did not then accept or reject a candidate on the ground of his religion. Mohammedans therefore filled a far larger number of seats on Municipal and District Boards than their

proportion to the total population or their stakes in the country would entitle them to hold. The result has been that in addition to the four seats specially reserved to the Mohammedans, they have won two more seats in the United Provinces in the general elections, and these with the nominations made by the Government, have given them eight seats out of a total of 26 non-official seats in the legislature of the province, where they form but one-sixth of the population! This is protecting the interests of a minority with a vengeance. It looks more like a case of allowing the majority to be driven to a corner by a minority. What makes the matter worse, however, is that this advantage has been reserved only to the favoured minority of our Mohammedan fellow-subjects. No such protection has been extended to the Hindu minorities in the Punjab and Eastern Bengal and Assam. The Hindu minorities in the said two provinces have been left out severely in the cold.

Let us now turn to the question of the franchise. Direct representation has been given to Mohammedans. It has been refused to non-Mohammedans. All Mohammedans who pay an income-tax on an income of three thousand rupees, or land revenue in the same sum, and all Mahomedan graduates of five years' standing, have been given the power to vote. Now I am not only not sorry but am sincerely glad that direct representation has been given to our Mohammedan fellow-subjects and that the franchise extended to them is fairly liberal.

.....The point of our complaint is that the franchise has not similarly been extended to the non-Mohammedon subjects of His Majesty. A Parsee, Hindu or Christian who may be paying an income-tax on three *lakhs* a year is not entitled to a vote, to which his Mohammedan fellow-subject, who pays an income-tax on only three thousand a year or land revenue in the same sum, is entitled! Hindu, Parsee and Christian graduates of thirty years' standing, men like Sir Gurudas Banerjee, Dr. Bhandarkar, Sir Subramania Iyer and Dr. Rash Behari Ghose, have not been given a vote, which has been given to every Mohammedan graduate of five years' standing!

Let us next consider the restrictions that have been placed on the choice of electors in choosing candidates. In the Regulations for Bombay and Madras, and in those for Bengal also, eligibility to a membership of a Provincial Council has been confined to members of Municipal and District Boards only. This is a novel departure from the practice which obtained for the last seventeen years under the Indian Councils Act of 1892.....The result of confining eligibility as a member of Council to members of Municipal and District Boards has, therefore, necessarily been to exclude a number of men of light

and leading in every Province,— excepting in my own where, I am thankful to say, no such restriction has been made -- from being eligible for election.....

A property qualification has for the first time been laid down in the case of candidates for membership of the Provincial Councils. No such qualification is required of Mambers of Parliament in England. None such was required in India under the Regulations which were in force for nearly seventeen years under the Indian Councils Act of 1892.....

One of the most important features of the Reforms which created widespread satisfaction was the promise of a non-official majority in the Provincial Councils. The Congress had, in the scheme which it put forward so far back as 1886, urged that at least half the members of both the Imperial and Provincial Legislative Councils should be elected and not more than one-fourth should be officials. Congressmen regarded this as the *sine qua non* for securing to the representatives of the people a real voice in the administration of their country's affairs. Lord Morley did not think it fit, however, to give us yet a non-official majority in the Imperial Legislative Council. We regretted the decision. But Lord Morley had been pleased to accept the recommendation for a non-official majority in the Provincial Legislative Councils, and we decided to accept it with gratitude, in the confidence that after the Provincial Legislative Councils have worked satisfactorily for a few years under the new scheme, the more important concession of a non-official majority in the Imperial Council was certain to come.

Speaking generally, we find that the regulations have been vitiated by the disproportionate representation which they have secured to the Mohammedans and to the landed classes, and the small room for representation which they have left for the educated classes ; ....."

MONTFORD REPORT ON MORLEY-MINTO REFORMS*

'.....The underlying idea of the Morley-Minto changes, which were introduced in 1909, was to associate the people to a greater extent with Government in the decision of public questions. With this end in view one seat on the Governor-General's and one on each of the Provincial Executive Councils were in practice reserved for Indian members. All the Legislative Councils were enlarged, and all were given a real and substantial elected element, while the Provincial Legislative Councils were alse given a non-official majority. The right of discussing questions of public interest was also conceded to the Councils. This gave members a real opportunity of exercising

*Banarjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 273-282.

some influence on questions of administration and finance, and though the Executive Government was left free to act upon such recommendations as it thought fit, the concession was regarded by persons of insight as perhaps the most important part of the changes. The institution of finance committees of the Councils also gave the elected members a direct share in framing limited portions of the budget. Their scope in this direction, however, was extremely restricted, being confined to the small margin of expenditure available for optional schemes, that is, such as had not already been definitely selected by the Government for execution. Not only was the amount available small, but in the nature of the case schemes under consideration were generally of secondary importance. It was thought impossible to introduce a general system of direct election with territorial constituencies ; and indirect election was accordingly retained, except in the case of Mohammedans and certain other special electorates.

The Morley-Minto reforms were essentially of an evolutionary character : they were a natural extension of the previously existing system. Excessive claims were made for them in the enthusiasm of the moment, but in any case they cannot justly be described as embodying any new policy. The change was one of degree and not of kind. Lord Morley himself emphatically repudiated the idea that the measures were in any sense a step towards Parliamentary Government. They were based on the fundamental principle that the Executive Government should retain the final decision of all questions, although some degree of popular control over legislation was established in the Provinces by providing small non-official majorities.....

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.....They (*i.e.* 'the Morley-Minto changes') admitted the need for increased representation, while reiterating the impossibility of basing it generally on a direct or general franchise. They admitted the desirability of generally securing non-official approval to the Government legislation, though they trusted in an emergency to the support of nominated members, to the division of interests between different classes of elected members, and, in the last resort to overriding legislation in the Indian Legislative Council where an official majority was retained. Frankly abandoning the old conception of the Councils as a mere legislative committee of the Government, they did much to make them serve the purpose of an inquest into the doings of Government, by conceding the very important rights of discussing administrative matters and of cross-examining Government on its replies to questions. Lord Morley's disclaimer—"If it could be said that this chapter of reforms led directly or indirectly to the

establishment of a Parliamentary system in India, I, for one, would have nothing at all to do with it"— is no doubt explicable when we remember his stout insistence on the sovereignty of the British Parliament, and his acceptance of the decided advice of Lord Minto's Government, backed by the expereince of every Indian administrator of eminence, that anything beyond very limited constituencies and indirect franchises was unthinkable in India. He took the constitutional view that no relaxation of the control exercised by the British electorate was possible until an Indian electorate, which was not then in sight, had arisen to take the burden from its shoulders. Nonetheless we are constrained to say that the features of his reforms which we have described do constitute a decided step forward on a road leading at no distant period to a stage at which the question of responsible government was bound to present itself.

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No one can deny that as an embodiment of the representative principle the present electoral system has great defects. The chief of these are the very restricted nature of the present franchise, and, except in the constituencies composed of the members of some special class or community, the lack of any real connexion between primary voter and the member who sits in the Councils.....In such circumstances there can be no responsibility upon, and no political education for, the people who nominally exercise a vote. The work of calling into existence an electorate capable of bearing the weight of responsible government is still to be done.....

A minor but still noteworthy result of the present electoral system is the large percentage of members of the legal profession who succeed at elections.....in the only constituencies in which members of the general population are represented the chances are at least two to one that a lawyer will be returned. Now the predominance of the lawyer in politics is a feature of parliamentary institutions elsewhere : and it is obvious that the art of Parliamentary Government which is so largely concerned with the making of laws and so largely conducted through the medium of persuasive speech must in any case offer the lawyer a definite advantage. In India these conditions may be accentuated by the fact that the choice of occupatians open to the educated classes has hitherto been narrowly limited. The class that is both leisured and educated is a small one. At the same time so great a political predominance of men of one calling is clearly not in the interests of the general community.....in framing our new constituencies an important object to be borne in mind is to ensure that men of other classes and occupations find a sufficient number of seats in Council.....

On the other hand the arrangements for presenting and enforcing the Government's view are no less open to criticism. The old idea that the Legislative Councils are only the Governments in their legislative aspect still appears in the language of sections 63 and 73 of the Government of India Act, and .....has quite recently been enforced by Secretaries of State. This is no doubt a main reason why the official *bloc* has been maintained with peculiar rigidity in the Councils. Non-official members have long since enjoyed the right of introducing legislation ; but the view that law-making was still primarily the prerogative of the executive Government which is amenable to Parliament has so far endured that it has been the exception, and not the rule, for Government to leave its official members free to speak and vote as they choose even on private members' business. The proceedings in Council have been controlled by Government ; generally speaking, Government officials are not expected to ask queations or move resolutions, or (in some Councils) to intervene in debate or even to rise to points of order without Government's approval, and, though there is of late a tendency to treat more matters as open questions, when a division is taken the official members nearly always vote by order in support of Government.

The effect upon the proceedings in Council can be readily imagined. The Government mandate has been compared to the rigidity of party discipline in the House of Commons, but, as we think, to little purpose. The reason which induces a member to acquiesce in the whip's bidding is the perception that, as the defeat of the Government ordinarily means a change of Ministry, it is his duty to sacrifice his personal opinions on a particular point for the greater principles for which his party stands. Moreover, there comes a time when individual judgment asserts itself and Governments fall because some of their supporters vote against them. The essence of the system is political responsibility. But the official obligation to vote with Government in an Indian Legislative Council is continuing, and is not made palatable by any necessity of securing an irremovable Government from demise ; and as Mr. Gladstone saw many years ago the conflict between conscience and discipline may become acute.

Upon the Indian members of the Legislative Councils the effect is frankly irritating. It prejudices in their view the position of the official members who form the *bloc*. Indian members may share in a debate in which the majority of speakers, and in their eyes the weight of argument, are arrayed against the Government... But when a decision is taken the silent official phalanx effectively carries the Government measure or votes down the private member's resolution...the official solidarity naturally stifles any differences that

exist between Indian elected members and drives them to a League against Government, into which the nominated Indian members also tend to enter.

These factors contribute to the unreality of the proceedings Because the number of elected members is small, and the issue is often known beforehand, the debates lack life unless feelings are aroused or interests are directly affected ; and because the Government has to a great extent controlled the proceedings the Councils have not felt the need of developing any corporate opinion which would have the effect of raising the standard of individual performance.....

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In the eight years 1910-17 the (Indian Legislative) Council passed 131 laws, of which no fewer than 77, or 59 per cent, were passed without any discussion whatsoever.....perhaps the most important reason why so many Bills have met with small opposition lies in the Government's policy of avoiding opposition as far as possible. With this end in view every effort is made before a Bill is introduced to ascertain as far as possible non-official opinion. It is probably true that the Council exercises a greater influence on the shape of Bills before they are introduced than when they are actually under discussion. The tendency is for the departments to prune a Bill beforehand of all features expected to arouse controversy, and thereafter to oppose all material amendments. It may thus happen that amendments proposed in Council are less frequently adopted than suggestions submitted before the introduction of Bills. The constructive work of legislation is in fact still largely done by correspondence ; and this can hardly be otherwise so long as the official majority is maintained. At the same time there is no reason for supposing that the non-official members are unable to influence the shape of Bills after introduction. On the contrary we find that in spite of the official majority they have in many cases been able to make their weight felt. Much of the most solid and useful work in the sphere of legislation is done in the seclusion of the committee room and not in the publicity of the Council chamber. The presence of the official *bloc* may to some extent give an air of unreality to criticism in the Council hall, but to the commitee rooms its influence does not extend. The non-official member who is really interested in a particular measure, or is anxious to have a Bill altered, generally arranges to be put on the Select Committee on the Bill, or to approach the official member in charge and to discuss the question with him in private. The reported debates thus afford no measure of the real influence of the non-official members. Since 1909 only eight Bills can be said to have encountered rea ll

serious opposition.....It appears that whenever the Government has met with anything approaching solid opposition on the part of the Indian members it has, except on matters touching the peace and security of the country, generally preferred to give way.

Only five private Bills have been passed by the Imperial Legislative Council since 1910.....

We pass to another aspect of the Council's work, namely, the influence which it exercises on the work of administration by means of questions and resolutions. The fact that nearly twice as many questions were asked in 1917 as in 1911 shows that serious value is attached to the right of interrogation.....it cannot be said that the right of interrogation has been abused.....In all 168 resolutions were moved in the Council up till the end of the year 1917 ; of these 24 were accepted by Government, 68 were withdrawn, and 76 were rejected either with or without a division.....A rough classification of the resolutions shows that some 73 can be described as fructuous. In not a few instances substantial results were obtained...

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In the light of these anticipations it is not hard to understand how the Morley-Minto constitution ceased in the brief space of ten years' time to satisfy the political hunger of India. The new institutions began with good auspices and on both sides there was a desire to work them in a conciliatory fashion. But some of the antecedent conditions of success were lacking. There was no general advance in local bodies ; no real setting free of provincial finance ; and in spite of some progress no widespread admission of Indians in greater numbers into the public service. Because the relaxation of Parliamentary control had not been contemplated the Government of India could not relax their control over Local Government. The sphere in which the Councils could affect the Government's action, both in respect of finance and administration, was therefore closely circumscribed. Again and again a Local Government could only meet a resolution by saying that the matter was really out of its hands. It could not find the money because of the Provincial settlements ; it was not administratively free to act because the Government of India were seized of the question ; it could therefore only lay the views of the Council before the Government of India. As regards legislation also the continuance of the idea of official subordination led to much of the real work being done behind the scenes. The Councils were really more effective than they knew ; but their triumphs were not won in broad daylight in the dramatic manner which political ardour desired. This was one reason why more interest was often shown in resolutions than in legislation. The

carrying of a resolution against Government, apart from the opportunity of recording an opinion which might some day bear fruit, came to be regardad as a great moral victory ; and it is evident that topics that are likely to combine all the Indian elements in the Council offered the best opportunity. Because the centralization of control limited the effectiveness of the Councils the non-official members were driven to think more of display than they might have otherwise done ; and the sense of unreality on both sides deepened. All this time the national consciousness, and the desire for political power, were growing rapidly in the minds of educated Indians ; and the Councils with their limited opportunities proved to be an insufficient safety-valve. While therefore inside the Councils there are signs of hardening opposition and the weariness which comes of sterile efforts, outside the Councils the tide of feeling was rising more quickly. For a short time after their inception the Morley-Minto reforms threatened to diminish the importance of the Indian National Congress and the Muslim League. It seemed as if the Councils where elected members took a share in the business of government must be a more effective instrument for political purposes than mere self-constituted gatherings. But with the disillusionment about the reformed Councils, the popular conventions, where speakers were free to attack the Government and give vent to their own aspirations untrammelled by rules of business or the prospect of a reply, naturally regained their ascendancy ; and the line taken by prominent speakers in them has been to belittle the utility of the Councils, if not to denounce them as a cynical and calculated sham. We cannot now say to what extent improvement might have been effected by gradual changes in the rules of business by relaxing official discipline, by permitting freer discussion, and by a greater readiness to meet the non-official point of view. However this may be, events have proved too strong. The Councils have done much better work than might appear to some of their critics. But they have ceased to satisfy Indian opinion, and their continuance can only lead to a further cleavage between the Indian members and the Government and a further cultivation of criticism unchecked by responsibility.

It seems to us that the inherent weakness of the position created by the Morley-Minto changes is excellently brought out in the following comment :—

"We must make up our minds either to rule ourselves or to let the people rule : there is no half-way house, except of course on the highway of deliberate transition. At present we are doing neither. We are trying to govern by concession and each successive concession has the air of being wrung from us. We keep public business going

by bargaining of the market place, by a steady yielding to assaults which always leave some bitterness behind on both sides. This is in no sense the fault of individuals ; it follows inevitably from the influences at work. Up to Lord Curzon's Viceroyalty, there was a sturdy determination to do what was right for India, whether India altogether liked it or not. The reforms which followed his regime brought in a power of challenge and obstructian—influence without responsibility ; and rather than fight we have often to give way. We are shedding the role of benevolent despotism, and the people—especially those who are most friendly to us—cannot understand what role we mean to assume in its place. We are accordingly losing their confidence and with it some of our power for good. If we returned to sheer despotism, we should carry many of the people with us, and should secure an ordered calm. But that being impossible, we must definitely show that we are moving from the Eastern to the Western ideal of rule. And, secondly, we must maintain the full weight and order of government while the move is going on. Otherwise we cannot look for either internal peace or the co-operation of the people, or indeed for anything else except growing weakness with the fatal consequences that weakness involves in an Eastern country."

THE INDIAN COUNCILS ACT, 1909*

An Act to Amend the Indian Councils Acts, 1861 and 1892, and the Government of India Act, 1833. (May 25, 1909)

[On July 11, 1906, Minto wrote to Morley : "I attach great importance to the official initiative being taken by the Government of India. It is better in every respect, both for the present and for the future, that the Government of India should appear to recognize all that is in the air here, the necessity of meeting new conditions, and that they should not run the risk of being assumed to have at last taken tardy action out of respect to instructions from home."

On January 25, 1910, Minto declared in his speech to the reformed Imperial Legislative Council : "They (*i.e.*, the Reforms) had their genesis in a note of my own, addressed to my colleagues in August, 1906. . . . .It was based entirely on the views I had myself formed of the position of affairs in India. It was due to no suggestions from home : whether it was good or bad I am entirely responsible for it." A.C. Banerjee.

1. (1) The additional members of the Councils for the purpose of making laws and regulations (hereinafter referred to as Legislative Councils) of the Governor-General and of the Governors of Fort St. George and Bombay, and the members of the Legislative Councils already constituted, or which may hereafter be constituted, of the

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*Keith A.B. *Speeches and Documents on Indian Policy*, 1750-1921. Vol. II, pp. 100-105.

Also in

Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, pp. 233-238. The note above is quoted from Banerjee.

several Lieutenant-Governors of Provinces, instead of being all nominated by the Governor-General, Governor, or Lieutenant-Governor in manner provided by the Indian Councils Acts, 1861 and 1892, shall include members so nominated and also members elected in accordance with regulations made under this Act, and references in those Acts to the members so nominated and their nomination shall be construed as including references to the members so elected and their election.

(2) The number of additional members or members so nominated and elected, the number of such members required to constitute a quorum, the term of office of such members and the manner of filling up casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise, shall, in the case of each such Council, be such as may be prescribed by regulations made under this Act :

Provided that the aggregate number of members so nominated and elected shall not, in the case of any Legislative Council mentioned in the first column of the First Schedule to this Act, exceed the number specified in the second column of that schedule.

2. (1) The number of ordinary members of the Councils of the Governors of Fort Saint George and Bombay shall be such number not exceeding four as the Secretary of State in Council may from time to time direct, of whom two at least shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years.

(2) If at any meeting of either of such Councils there is an equality of votes on any question, the Governor or other person presiding shall have two votes or the casting vote.

3. (1) It shall be lawful for the Governor-General in Council, with the approval of the Secretary of State in Council, by proclamation, to create a Council in the Bengal Division of the Presidency of Fort William for the purpose of assisting the Lieutenant-Governor in the executive government of the province, and by such proclamation —

(*a*) to make provision for determining what shall be the number (not exceeding four) and qualifications of the members of the Council ; and

(*b*) to make provision for the appointment of temporary or acting members of the Council during the absence of any member from illness or otherwise, and for the procedure to be adopted in case of a difference of opinion between a Lieutenant-Governor and his Council, and in the case of equality of votes, and in the case of a Lieutenant-Governor being obliged to absent himself from his Council from indisposition or any other cause,

(2) It shall be lawful for the Governor-General in Council, with the like approval, by a like proclamation, to create a Council in any other province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive government of the province : Provided that before any such proclamation is made a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament, and, if before the expiration of that time an address is presented to His Majesty by either House of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft.

(3) Where any such proclamation has been made with respect to any province the Lieutenant-Governor may, with the consent of the Governor-General in Council, from time to time make rules and orders for the more convenient transaction of business in his Council, and any order made or act done in accordance with the rules and orders so made shall be deemed to be an act or order of the Lieutenant-Governor in Council.

(4) Every member of any such Council shall be appointed by the Governor-General, with the approval of His Majesty, and shall, as such, be a member of the Legislative Council of the Lieutenant-Governor, in addition to the members nominated by the Lieutenant-Governor and elected under the provisions of this Act.

4. The Governor-General and the Governors of Fort Saint George and Bombay, and the Lieutenant-Governor of every province respectively, shall appoint a member of their respective Councils to be Vice-President thereof, and, for the purpose of temporarily holding and executing the office of Governor-General or Governor of Fort Saint George or Bombay and of presiding at meetings of Council in the absence of the Governor-General, Governor or Lieutenant-Governor, the Vice-President so appointed shall be deemed to be the senior member of Council and the member highest in rank, and the Indian Councils Act, 1861, and sections sixty-two and sixty-three of the Government of India Act, 1833, shall have effect accordingly.

5. (1) Notwithstanding anything in the Indian Councils Act, 1861, the Governor-General in Council, the Governors in Council of Fort Saint George and Bombay respectively, and the Lieutenant-Governor or Lieutenant-Governor in Council of every province, shall make rules authorising at any meeting of their respective Legislative Councils the discussion of the annual financial statement of the Governor-General in Council or of their respective Local Governments, as the case may be, and of any matter of general public interest, and

the asking of questions, under such conditions and restrictions as may be prescribed in the rules applicable to the several Councils.

(2) Such rules as aforesaid may provide for the appointment of a member of any such Council to preside at any such discussion in the place of the Governor-General, Governor, or Lieutenant oGvernor, as the case may be, and of any Vice-President.

(3) Rules under this section, where made by a Governor in Council, or by a Lieutenant-Governor, or a Lieutenant-Governor in Council, shall be subject to the sanction of the Governor-General in Council, and where made by the Governor-General in Council shall be subject to the sanction of the Secretary of State in Council, and shall not be subject to alteration or amendment by the Legislative Council or the Governor-General, Governor or Lieutenant-Governor.

6. The Governor-General in Council shall, subject to the approval of the Secretary of State in Conncil, make regulations as to the conditions under which and manner in which persons resident in India may be nominated or elected as members of the Legislative Councils of the Governor-General, Governors, and Lieutenant-Governors, and as to the qualifications for being, and for being nominated or elected, a member of any such Council, and as to any other matter for which regulations are authorised to be made under this Act, and also as to the manner in which those regulations are to be carried into effect. Regulations under this section shall not be subject to alteration or amendment by the Legislative Council of the Governor-General.

7. All proclamations, regulations, and rules made under this Act, other than rules made by a Lieutenant-Governor for the more convenient transaction of business in his Council, shall be laid before both Houses of Parliament as soon as may be after they are made.

* * * * *

8. (3) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

First Schedule

Maximum Numbers of Nominated and Elected Members of Legislative Councils.

Legislative Council	Maximum Number
Legislative Council of the Governor-General ..	60
Legislative Council of the Governor of Fort Saint George	50

Legislative Council	Maximum Number
Legislative Council of the Governor of Bombay ..	50
Legislative Council of the Lieutenant-Governor of the Bengal division of the Presidency of Fort William ..	50
Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh ..	50
Legislative Council of the Lieutenant-Governor of the Provinces of Eastern Bengal and Assam ..	50
Legislative Council of the Lieutenant-Governor of the Province of the Punjab ...	30
Legislative Council of the Lieutenant-Governor of the Province of Burma ..	30
Legislative Council of the Lieutenant-Governor of the Province which may hereafter be constituted ..	30

Second Schedule

Enactments Repealed

Section and Chapter	Short Title	
24 and 25 Vict., C. 67.	The Indian Councils Act, 1861.	In section ten, the words "not less than six nor more than twelve in number." In section eleven, the words "for the term of two years from the date of such nomination." In section fifteen, the words from "and the power of making laws and regulations" to "shall be present." In section twenty-nine, the words "not less than four nor more than eight in number." In section thirty, the words "for the term of two years from the date of such nomination." In section thirty-four, the words from "and the power of making laws and regulations" to "shall be present." In section forty-five, the words from "and the power of making laws and regulations" to "shall be present."
55 and 56 Vict., C. 14.	The Indian Councils Act, 1892.	Sections one and two. In section four, the words "appointed under the said Act or this Act" and paragraph (2).

"This Congress is of opinion that the system of Government obtaining in the self-governing British Colonies should be extended to India and that as steps leading to it, it urges that the following reforms should be immediately carried out :—

(*a*) All examinations held in England only should be simultaneously held in India and in England and that all higher appoint-

ments which are made in India should be by competitive examination only.

(*b*) The adequate representation of Indians in the Council of the Secretary of State and the Executive Councils of the Viceroy and of the Governors of Madras and Bombay.

(*c*) The expansion of the Supreme and Provincial Legislative Councils, allowing a larger and truly effective representation of the people and a larger control over the financial and executive administration of the country.

(*d*) The powers of local and municipal bodies should be extended and official control over them should not be more than what is exercised by the Local Government Board in England over similar bodies." *22 : 1906 : Calcutta : IX.*

* * * *

"This Congress urges upon the Government the necessity of :

(*i*) placing in regard to legislative and administrative matters the Province of Berar on the same footing as the Provinces included in British India ; and

(*ii*) establishing a Legislative Council for the combined territory of the Central Provinces and Berar." *23 : 1908 : Madras : XII.*

* * * *

"This Congress, concurring with previous Congresses, strongly urges :—

(1) The constitution of the Punjab into a Regulation province ;

(2) The expansion and reform of the Punjab Legislative Council in accordance with the Indian Councils Act of 1892 ;

(3) The establishment of a Chartered High Court of Judicature in the Punjab ;

(4) The enactment of Legislation for Berar by the Supreme Legislative Council and not by Executive orders of the Governor-General ;

(5) The restoration to the people of the Central Provinces of the right to elect their representative on the Supreme Legislative Council instead of his being nominated by the Government ; and

6) The cancellation of the Government of India Notification of 25th June 1891, in the Foreign Department, gagging the Press in territories under British administration in Native States as being a serious infringement of the liberty of the Press in those tracts." *21 : 1905 : Banaras : XVII.*

* * * *

"That this Congress is of opinion that to enable Parliament to discharge more satisfactorily its responsibility in regard to the Government of India periodical Parliamentary enquiries into the

condition of India should be revived and the salary of the Secretary of State for India should be placed on the British estimates."

21: 1905 : Banaras : V.

* * * *

"(*a*) That in the opinion of this Congress a complete separating of Judicial from Executive functions must now be carried out without further delay.

(*b*) That this Congress, concurring with previous Congresses, urges that the Judicial Service in all parts of the country should be recruited from the legal profession more largely than at present, as the system of appointing Civilians without special legal training to high Judical offices does not lead to a satisfactory administration of justice in the mofussil." *21 : 1905 : Banaras : X.*

* * * *

"That in the opinion of this Congress the time has arrived for a further expansion and reform of the Supreme and Provincial Legislative Councils, so that they may become more truly representative of the people, and the non-official members thereof may have a real voice in the government of the country. The Congress recommends an increase in the number of the non-official and elected members and the grant to them of the right of dividing the Councils in financial matters coming before them—the head of the Government concerned possessing the power of veto." *21 : 1905 : Banaras : II.*

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"That in the opinion of this Congress the time has arrived when the people of India should be allowed a larger voice in the administration and control of the affairs of their country by—

(*a*) the bestowal on each of the Provinces of India of the franchise to return at least two members to the British House of Commons ;

(*b*) the appointment of not less than three Indian gentlemen of proved ability and experience as members of the Secretary of State's Council ; and

(*c*) the appointment of two Indians as members of the Governor-General's Executive Council and of one Indian as a member of the Executive Councils of Bombay and Madras."

21 : 1905 : Banaras : IV.

* * * *

While recognising the necessity of providing for a fair and adequate representation in the Legislative Councils for the Mohammedan and other communities where they are in a minority, this Congress disapproves the Regulations promulgated last year to carry out this object by means of separate electorates, and in particular urges upon the Government the justice and expediency of modifying the regula-

tions framed under the Indian Councils Act of 1909, before another election comes on, so as to remove anomalous distinction between different sections of His Majesty's subjects in the matter of the franchise and the qualifications of candidates and the arbitrary disqualifications and restrictions for candidates seeking election to the Councils. The Congress also urges a modification of the Regulations, where necessary, relating to the composition of non-official majorities in the Provincial Councils, so as to render them effective for practical purposes." *25 : 1910 : Allahabad : XV.*

Indian National Congress on the Bureaucracy in India, 1911*

"The root cause of most of our misfortunes, which, if not corrected, forebodes serious disasters in the future, is the growth of an unsympathetic and illiberal spirit in the bureaucracy towards the new-born hopes and ideals of the Indian people. While a new India has gradually been rising up, that spirit too has been growing and so the critical situation has arisen ; on the one hand, the educated classes, filled with new knowledge and conscious of new political rights, but hampered by the bars and fetters of a system perhaps good enough for other days but now obsolete ; on the other, the bureaucracy with its vested interests, its domineering habits, its old traditions of absolute and unquestioned authority, suspicious of knowledge, averse to innovation like every close corporation, cut off from the people by its racial exclusiveness, and wedded to a paternal system of government under which it has so long enjoyed power and pelf but which is discordant with the more liberal ideals of the present day.

The champions of bureaucracy stoutly contest this statement and say, as Mr. Chirol does, that "the contrary is the case, for to him (the Anglo-Indian Civilian) belongs the credit of almost every measure passed during the last 50 years for the benefit of the Indian masses, and passed frequently in the teeth of vehement opposition from the Indian politician," and that he has always been sympathetic in dealing with the larger problems of Indian statesmanship. There is just that half-truth in this statement which so easily deceives the unwary. Undoubtedly Anglo-Indian officials have done great things for the people, undoubtedly some of them have been large-hearted and far-seeing statesmen. But the history of the last 25 or 30 years shows that, leaving out a few noble exceptions, as a body they have not been in sympathy with the new aspirations of educated India, which

*Presidential Address of Pandit Bishan Narayan Dar, Calcutta, 1911. *Congress Presidential Speeches*, Vol. II, p. 1-57.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II.

owes few of its political rights to their initiative and support. In Lord Ripon's time they opposed the Ilbert Bill which was introduced to establish some equality of criminal law as between Indians and Englishmen. They opposed his measure of local self-government, and although it was passed, yet they have succeeded (as Lord Morley acknowledged) in making it more or less ineffectual down to the present day. In Lord Dufferin's time the Congress was started, and their hostility to it has been notorius. Lord Lansdowne accepted the Indian Councils Act of 1892 because it was a too cautious measure, and the bureaucracy was unaffected by it. Lord Elgin proved a weak Viceroy and the reactionary tendencies of the bureaucracy began to manifest themselves in a variety of ways. Lord Curzon adopted a frankly narrow and autocratic policy, and was heartily supported by the bureaucracy .. ..His rule created that situation which Lord Morley and Lord Minto had to face. Did the bureaucracy suggest that policy of reform with which these two statesmen set about to allay the discontent which the preceding administration had created or intensified ? No ; their advice was, coercion—not conciliation. But Lord Minto realised the real nature of the Indian discontent and in Lord Morley he found even a more thorough-going reformer than himself. The bureaucracy, if not actively hostile, were certainly cool in the matter. The first draft scheme published by the Government of India was their handiwork and was at once condemned by the whole Indian public. Lord Morley transformed it into a more liberal and popular scheme ; the bureaucracy mangled and mutilated it. The point, however, is that the policy of reform did not originate with them, on the contrary it was opposed by them. Even the President of that extremely loyal body, the Muslim League, was constrained to say at Nagpur that "there can be little doubt that had Lord Morley relied chiefly on official sources of information, and looked at Indian affairs through official glasses only, we should, in all probability, have been landed in a terrible mess, if not actual disaster." But when Lords Morley and Minto were, under the pressure of certain circumstances, led to embark upon coercion, the bureaucracy supported them most heartily and cried for more coercion. The Muslim League found every encouragement to act as a counterpoise to the national movement and virtually forced Lord Morley to introduce communal representation on the separatist principle into the Legislative Councils. It was not the bureaucracy who suggested appointment of Indians to the Governor-General's Executive Council and the India Council. They are still opposed to our admission to the higher grades of the public service, and our Local Governments have already expressed their disapprovel of free and compulsory

primary education for India. When on the occurrence of certain abominable crimes, the cry for "martial law and no damned nonsense" arose in India, it was Lord Morley and not the bureaucracy who first called upon the Government "to rally the moderates" to its side; Lord Minto and not the body of the Civil Service who at once realised the legitimate character of Indian unrest and decided to meet it by measures of reform and conciliation. When the Calcutta High Court vindicated British justice in certain important political cases, the officials became restive and the note of alarm was sounded in the Anglo-Indian Press. When Lord Hardinge passed the Seditious Meetings Act, against the best opinion of the country, he was heartily applauded by the Anglo-Indians; but when, like a wise and far-seeing ruler, he relaxed the policy of coercion and put a stop to wholesale political prosecution, they began to suspect his wisdom and firmness and the *Times* came out with its warnings and admonitions in the cause of law and order....."

"That this Congress respectfully repeats its protest against the Seditious Meetings Act and the Press Act, and prays that, in view of the loyal enthusiam evoked by the Royal visit and the official pronouncements about an improvement in the general situation, these measures, as well as the Regulations authorising deportations without trial, may now be removed from the Indian Statute Book."

26 : 1911 : Calcutta : IV.

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"While recognising the necessity of providing for a fair and adequate representation in the Legislative Council for the Mohammedan and other communities where they are in a minority, this Congress disapproves of the Regulations promulgated in 1909 to carry out this object by means of separate electorates, and in particular urges upon the Government the justice and expediency of modifying the Regulations framed under the Indian Councils Act of 1909 before another election comes on, so as to remove anomalous distinctions between different sections of His Majesty's subjects in the matter of the franchise and the qualification of candidates and the arbitrary disqualifications and restrictions for candidates seeking election to the Councils. This Congress also urges a modification of the Resolutions, where necessary, relating to the composition of non-official majorities in the Provincial Councils so as to render them effective for practical purposes." *26 : 1911 : Calcutta : XIII.*

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"That this Congress expresses its earnest hope that the Government will be pleased to appoint an Executive Council for the Punjab."

26 : 1911 : Calcutta : XXII

* * * *

"That this Congress is of opinion that the time has come for the establishment of a Provincial Legislative Council for the Central Provinces and Berar and for according to Berar, which is now held by the British Government on a permanent tenure, the status and privileges which are accorded to provinces included in British India."

26 : 1911 : Calcutta : XXIII.

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"This Congress records its satisfaction at the recognition by the Government of India in their despatch to the Secretary of State for India, dated the 25th August, 1911, of the necessity of introducing autonomous form of administration in the different provinces of this country and begs to record its respectful protest against the interpretation sought to be put upon the despatch which is contrary to its letter and spirit" *27 : 1912 : Bankipur : VI.*

* * * *

"(*a*) This Congress records its sense of keen disappointment that at the last revision of the Legislative Council regulations, the anomalies and inequalities, the rectification of which the previous Congress strongly urged upon the Government, have not been removed. And in order to allay the widespread dissatisfaction caused by the defects complained of, and in view of the experience of the last three years this Congress earnestly prays that

(1) There should be a non-official majority in the Imperial Legislative Council ;

(2) There should be a majority of elected members in all Provincial Councils ;

(3) The system of voting by delegates be done away with where it still exists ;

(4) The franchise be broadened by simplifying the qualification of electors basing it on education, property or income;

(5) The Government should not have the power arbitrarily to declare any person ineligible for election on the ground of his antecedents or reputation;

(6) No person should be held ineligible for election on the ground of dismissal from Government service or of conviction in a criminal court or from whom security for keeping the peace has been taken, unless his conduct has involved moral turpitude;

(7) No property or residential qualification should be required of a candidate, nor service as member of a local body;

(8) A person ignorant of English should be held ineligible for membership;

(9) It should expressly be laid down that officials should not be allowed to influence election in any way ;

(10) Finance Committees of Provincial Councils should be more closely associated with Government in the preparation of the annual financial statements;

(11) There should be a Finance Committee of the Imperial Legislative Council as in the case of provincial Legislative Councils ;

(12) The right of putting supplementary questions should be extended to all members and not to be restricted to the member putting the original question.

(13) The strength of the Punjab Council be raised from 26 to 30 and more adequate representation be allowed to Punjab in the Imperial Council. *27 : 1912 : Bankipur : VII.*

* * * *

"That this Congress is of opinion that the Council of the Secretary of State for India, as at present constituted, should be abolished, and makes the following suggestions for its reconstruction :—

(*a*) That the salary of the Secretary of State for India should be placed on English Estimates.

(*b*) That with a view to the efficiency and independence of the Council it is expedient that it should be partly nominated and partly elected.

(*c*) That the total number of members of the Council should be not less than nine.

(*d*) That the elected portion of the Council should consist of not less than one-third of the total number of members, who should be non-official Indians chosen by a constituency consisting of the elected members of the Imperial and Provincial Legislative Councils.

(*e*) That not less than one-half of the nominated portion of the Council should consist of public men of merit and ability unconnected with the Indian administration.

(*f*) That the remaining portion of the nominated Council should consist of officials who have served in India for not less than 10 years and have not been away from India for more than two years.

(*g*) That the character of the Council should be advisory and not administrative.

(*h*) That the terms of office of each member should be five years.

28 : 1913 : Karachi : V.

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"That this Congress reiterates its protest against the continuation of the Indian Press Act on the Statute Book, and urges that the same be repealed, specially, in view of the recent decision of the High Court of Calcutta, which declares that the safeguards provided by the Act are illusory and incapable of being enforced."

28 : 1913 : Karachi : VIII.

* * * *

"That this Congress records its sense of keen disappintment that at the last revision of the Legislative Council regulations, the anomalies and inequalities, rectification of which the four previous Congresses strongly urged upon the Government, were not removed. And in order to allay the widespread dissatisfaction caused by the defects complained of, and in view of the experience of the last four years, this Congress earnestly prays that—(1) there should be a non-official majority in the Imperial Legislative Council ; (2) there should be a majority of elected members in all Provincial Councils ; (3) the system of voting by delegates be done away with, where it still exists ; (4) the franchise be broadened by simplifying the qualifications of electors, basing it on education, property or income ; (5) the Government should not have the power arbitrarily to declare any person ineligible for election on the ground of his antecedents or reputation ; (6) no person should be held ineligible for election on the ground of dismissal from Government service or of conviction in a criminal court or from whom security for keeping the peace has been taken, unless his conduct has involved moral turpitude ; (7) no property or residential qualification should be required of a candidate nor service as member of a local body ; (8) a person ignorant of English should be held ineligible for membership ; (9) it should be expressly laid down that officials should not be allowed to influence elections in any way ; (10) Finance Committees of Provincial Councils should be more closely associated with Government in the preparation of the annual financial statements ; (11) there should be a Finance Committee of the Imperial Legislative Council as in the case of Provincial Legislative Council ; (12) the right of putting supplementary questions should be extended to all members and not restricted to the member putting the original question ; (13) the strength of the Punjab Council be raised from 26 to 50 and more adequate representation be allowed to the Punjab in the Imperial Council.

"And further this Congress, while recognising the necessity of providing for a fair and adequate representation in the Legislative Councils for the Mohammedans or the other communities where they

are in a majority, disapproves of the present regulations to carry out this object by means of separate electorates.

28 : 1913 : Karachi : XVI.

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"That the Congress again urges, that an Executive Council, with an Indian member, be established in the United Provinces at an early date, and is of opinion, that a similar Council should be established in the Punjab too."

28 : 1913 : Karachi : XVII.

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Indian National Congress on Self-Government within the British Empire*

"At the present moment, who would desire or support separation from England ? The Indian princes secure in their dignity and status, the Indian aristocracy safe in their possessions and influence, the Indian middle classes free in their vocations, the toiling masses sure of the fruits of their labour, are all moving onwards to one common goal with the impetus which a central Government, a common vehicle of thought, common ideal and a growing sense of unity and nationality have given them. Will they support this separation and lose sight of their goal altogether ? India, high and low has published her answer to the world.....

The two extremes—the one of separation, the other of subordination—are both equally impossible and must be put out of our mind. The ideal that we must pursue, and which the Congress has set before itself, is that of co-ordination and comradeship, of a joint partnership on euqal terms. I do not say that it must materialize today, but I do say that every step that we take, or ask the Government to take must point in that direction. India no doubt is a continent and not a country divided into small administrative areas : it is divided into communities, castes and sects ; it is divided by religion, language and race, by different types and stages of civilisation and progress, and by different methods of administration. It has within its limits princes of ancient lineage and traditions, and people great numbers of whom are still in a state of mental darkness ; the educated middle classes are still a small, if no longer a microscopic, minority ; there are peoples within its borders who know of nothing else but personal rule, and large classes which are ready to accept a representative government. Can any system of self-government be evolved in a country like this which will bring into coherence

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*Presidential Address of Mr. Bhupendra Nath Basu, Madras, 1914.
Congress Presidential Speeches, ,Vol. II, p. 153-184.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, p. 286-287.

its heterogeneous elements, or must India from the very nature of its constitution be for ever subject to outside dominion ? I hope I have stated the case for the other side fairly. Let us see how we can apply our ideal to a state of things like this : let us clearly realise what that ideal may be. From the very extent of India and the diversity of her population, we must have a system of government modelled on the lines of the Commonwealth of Australia, or the United States of America, modified according to Indian conditions and presided over by a representative of our Sovereign. In this constitution all will find a place, the Englishman as well as the Indian, the prince as well as the peasant, and all communities by a judicious combination of the methods of election and selection in the case of the less advanced. I am only suggesting tentative lines of development and not a scheme....."

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Presidential Address of Sir S.P. Sinha, Bombay, 1915*

"It seems to me, brother-delegates, that the only satisfactory form of self-government to which India aspires cannot be anything short of what President Lincoln so pithily described as "government of the people, for the people, and *by the people*."

Let us argue out for ourselves freely and frankly the various ways by which we can obtain the priceless treasure of self-government. It seems to me that it is possible only in one of the following ways :

First, by way of a free gift from the British nation.

Second, by wresting it from them.

Third, by means of such progressive improvement in our mental, moral and material condition as will, on the one hand, render us worthy of it and, on the other, impossible for our rulers to withhold it.

Now, as to the first, the free gift. Even if the English nation were willing to make us an immediate free gift of full self-government—and those who differ most from the Congress are the first to deny the existence of such willingness—I take leave to doubt whether the boon would be worth having as such, for it is a commonplace of politics that nations like individuals must grow into freedom and nothing is so baneful in political institutions as their prematurity : nor must we forget that India free can never be ancient India restored.....

**Congress Presidential Speeches*, Vol. II, pp. 184-219.
Also in
Banerjee, A.C. *Indian Constitutional Documents,* Vol. II, pp. 287-288.

As to the second, I doubt if the extremist of the extremists considers it feasible to win self-government immediately by means of a conflict with the British Power. Such a conflict is impossible, if not inconceivable: and I cannot imagine any sane man thinking that assassinations of policemen and dacoities committed on peaceful unoffending citizens will do aught but retard progress towards our goal.....

We are left, therefore, with the third alternative as the only means of attaining the goal of self-government.....

When we ourselves have so far advanced under the guidance and protection of England as to be able not only to manage our own domestic affairs, but to secure internal peace and prevent external aggression, I believe that it will be as much the interest as the duty of England to concede the fullest autonomy to India....."

* * * *

Mahatma Gandhi's Speech at Madras Law Dinner, April, 1915*

".....I have been so often questioned how I, a determined opponent of modern civilization and an avowed patriot, could reconcile myself to loyalty to the British Empire.....; how it was possible for me to find it consistent that India and England could work together for mutual benefit. It gives me the greatest pleasure .....to redeclare my loyalty to the British Empire ; and my loyalty is based upon very selfish grounds.....I discovered that the British Empire had certain ideals with which I have fallen in love, and one of those ideals is that every subject of the British Empire has the freest scope possible for his energies and honour and whatever he thinks is due to his conscience. I think that this is true of the British Empire, as it is not true of any other Government.....I am no lover of any Government and I have more than once said that that Government is best which governs least. And I have found that it is possible for me to be governed least under the British Empire. Hence my loyalty to the British Empire."

* * * *

"This Congress, while deprecating the creation of separate electorates in the Imperial and Provincial Legislative Councils urges on the Government that the said system should not in any case be extended to the local bodies, as it will prove injurious to the development of national unity and the fostering of the national ideal."

29 : 1914 : Madras : XVIII.

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"This Congress cordially thanks His Excellency the Viceroy for his statesmanlike support of the Resolution passed in the Imperial Legislative Council demanding on behalf of India, the right to be represen-

*Banerjee, A.C. *Indian Constitutional Documents*, Vol. II, p. 289.

ted in the Imperial Conference. The Congress expresses the hope that the demand made by the unanimous voice of the Imperial Legislative Council on behalf of the people of India will meet with adequate response from the Dominions and the Imperial Government and urges that the persons selected to take part in the Conference on behalf of India should be two members at least to be elected by the elected members of the Imperial Council."

30 : 1915 : Bombay : XI.

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"That this Congress is of opinon that the time has arrived to introduce further and substantial measures of reform towards the attainment of Self-Government as defined in Article I* of its Constitution, namely, reforming and liberalising the system of Government in this country so as to secure to the people an effective control over it, amongst others, by

(*a*) The introduction of Provincial Autonomy including financial independence ;

(*b*) Expansion and reform of the Legislative Councils so as to make them truly and adequately representative of all sections of the people and to give them an effective control over the acts of the Executive Government ;

(*c*) The reconstruction of the various existing Executive Councils and the establishment of similar Executive Councils in provinces where they do not exist ;

(*d*) The reform or the abolition of the Council of the Secretary of State for India ;

(*e*) Establishment of Legislative Councils in Provinces where they do not now exist ;

(*f*) The readjustment of the relations between the Secretary of State for India and the Government of India and

(*g*) A liberal measure of Local Self-Government.

That this Congress authorises the All-India Congress Committee to frame a scheme of reform and a programme of continuous work, educative and propagandist, having regard to the principles embodied in this Resolution and further authorises the said Committee to confer with the Committee that may be appointed by the All-India Muslim

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**ARTICLE I*

The objects of the Indian National Congress are the attainment by the people of India of a system of Government similar to that enjoyed by the self-governing Members of the British Empire and a participation by them in the rights and responsibilities of the Empire on equal terms with those Members. These objects are to be achieved by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering public spirit and developing and organising the intellectual, moral, economic and industrial resources of the country."

30 : 1915 : Bombay : XIX

League for the same purpose and to take such further measures as may be necessary ; the said Committee to submit its report on or before the 1st of September 1916 to the General Secretaries, who shall circulate it to the different Provincial Congress Committees as early as possible.

(*a*) That this Congress, while thanking the Government of India for renewing their recommendation to the Secretary of State for the establishment of an Executive Council in the United Provinces, is of opinion that it should be presided over by a Governor chosen from the ranks of Public men in England, and that half the members of the Council should be Indians.

(*b*) This Congress expresses the earnest hope that the introduction of this reform will not be delayed beyond the tenure of office of the present Lieutenant-Governor of the United Provinces."

31 : 1916 : Lucknow : XIX.

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"That this Congress, while thanking the Government of India for their decision to establish a High Court in the Punjab after the war, reaffirms its resolution that it is desirable to invest the Chief Court of Burma and the Courts of the Judicial Commissioner of Oudh and the Central Provinces with the status and powers of Chartered High Courts and prays that early steps may be taken by the Secretary of State for India for the introduction of this urgent reform."

31 : 1916 : Lucknow : XX.

* * * *

"That the All-India Congress Committee be authorized to arrange that a deputation consisting, as far as possible, of representatives from the different provinces should proceed to England immediately after the war to press Indian claims as outlined in Resolution XII on the attention of the Government and people of England, and to arrange for a sepcial session of the Congress in England, if necessary.

That in all trials by jury Indians should have the right to claim that not less than half the jurors shall be Indians."

31 : 1916 : Lucknow : XXIII.

The Imperial War Conference on the Political Status of India, 1917*

"They (*i.e.*, the Imperial War Conference).....place on record their view that any such readjustment (*i.e.*, readjustment of the constitutional relations of the component parts of the Empire), while thoroughly preserving all existing powers of self-government and

*It is a resolution passed by the Imperial War Council on 16th April, 1917.
Also in
Banerjee, A.C. *Indian Constitutional Documents*, Vol. II. p. 325.

complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same, should recognize the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations, and should provide effcetive arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine."

"That this Congress extends to the Rt. Hon. E. S. Montagu a most cordial welcome on the occasion of his visit to India. The Congress hopes that his visit will be crowned with success and that it will convince him of the supreme necessity for the establishment of responsible government in this country."

32 : 1917 : Calcutta : IV.

"This Congress expresses its grateful satisfaction over the pronouncement made by His Majesty's Secretary of State for India on behalf of the Imperial Government that its object is the establishment of responsible government in India.

This Congress strongly urges the necessity for the immediate enactment of a Parliamentary statute providing for the establishment of responsible government in India, the full measure to be attained within a time-limit to be fixed in the statute itself at an early date.

This Congress is emphatically of opinion that the Congress-League Scheme of reforms ought to be immediately introduced by the statute as the first step in the process."

32 : 1917 : Calcutta : XII.

"That a request be made to Parliament through the Secretary of State for India, to appoint a Parliamentary Commission to inquire into the working of the special coercive legislation passed by the Governor-General in Council and the Supreme Legislative Councils and Local Governments, restricting freedom of speech, writing, association and meetings, and the use of the Defence of India Act for similar purposes, together with the varied working of the laws in different Provinces, causing uncertainty and distrust.

That the President submit the above to the Secretary of State through H.E. the Viceroy." *32 : 1917 : Calcutta : XVI.*

Resolutions of I.N.C. at Delhi, 1918

(*a*) That this Congress also re-affirms Resolution No. 5 relating to self-Government passed at the Special Session of the Congress held in Bombay, subject to this, that in view of the expression of opinion in the country since the sitting of the said Special Session, this

Congress is of opinion that so far as the Provinces are concerned, full responsible government should be granted at once and that no part of British India should be excluded from the benefit of the proposed constitutional reforms.

(*b*) That non-official Europeans should not be allowed to form separate electorates on the ground that they represent the Mining or the Tea Industries, and if they are allowed such representation they should be limited to their proportion compared to the population of the Provinces concerned.

RESOLUTION V. OF THE SPECIAL SESSION

That this Congress appreciates the earnest attempt on the part of the Right Honourable the Secretary of State and His Excellency the Viceroy to inaugurate a system of responsible government in India, and while it recognises that some of the proposals constitute an advance on the present conditions in some directions, it is of opinion that the proposals as a whole are disappointing and unsatisfactory, and suggests the following modifications as absolutely necessary to constitute a substantial step towards responsible government :

Government of India

1. That a system of "reserved" and "transferred" subjects similar to that promised for the Provinces shall be adopted for the Central Government.

2. That the "reserved" subjects shall be Foreign Affairs (excepting relations with the Colonies and the Dominions), the Army, the Navy and relations with the Indian Ruling Princes, and subject to the declaration of rights urged in Resolution IV, matters directly affecting peace, tranquility and the defence of the country, and that all other subjects shall be transferred.

3. The allotments required for "reserved" subjects shall be the first charge at the revenues.

4. The procedure for the adoption of the budget should be on the lines laid down for the Provinces.

5. All legislation shall be by bills introduced into the Legislative Assembly, provided that if in the case of the "reserved" subjects, the Legislative Council does not pass such measure as the Government may deem necessary, the Governor-General-in-Council may provide for the same by regulations, such regulations to be in force for one year, but not to be renewed unless 40 per cent of the members of the Assembly present and voting are in favour of them.

6. There shall be no Council of State ; but if the Council of State is to be constituted at least half of its total strength shall

consist of elected members, and that the procedure by certification shall be confined to reserved subjects.

7. At least half the number of the Executive Councillors (if there be more than one) in the charge of the reserved subjects should be Indians.

The Legislative Assembly

8. The number of members of the Legislative Assembly should be raised to 150 and proportion of elected members should be four-fifths.

9. The President and the Vice-President of the Legislative Assembly should be elected by the Assembly.

10. The Legislative Assembly should have power to make or modify its own rules and they shall not require the sanction of the Governor-General.

11. There should be an obligation to convene meetings of the Council and Assembly at stated intervals, or on the requisition of a certain proportion of members.

12. A statutory guarantee should be given that full responsible government should be established in the whole of British India with a period not exceeding fifteen years.

THE PROVINCES

The Executive

1. There should be no additional members of the Executive Government without portfolios.

2. From the commencement of the first Reformed Council the principle of the responsibility of Ministers to the Legislature shall come into effect.

3. The status and salary of the ministers shall be the same as that of the members of the Executive Council.

4. At least half the number of the Executive Councillors in charge of reserved subjects (if there be more than one) should be Indians.

5. The budget shall be under the control of Legislature subject to the contribution to the Government of India and to the allocation of a fixed sum for the reserved subjects, and should fresh taxation be necessary, it should be imposed by the Provincial Government as a whole for both transferred and reserved subjects.

Legislature

1. While holding that the people are ripe for the introduction of full Provincial Autonomy, the Congress is yet prepared with a view to facilitating the passage of the Reforms, and to save the time which

would otherwise be lost in controversy, to leave the departments of law, police, and justice (prisons excepted) in the hands of the Executive Government in all Provinces for a period of six years. The Executive and Judicial departments must be separated at once.

2. The President and the Vice-President should be elected by the Council.

3. The proposal to institute a Grand Committee should be dropped. The Provincial Legislative Council shall legislate in respect of all matters within the jurisdication of the Provincial Government, including law, justice and police, but where the Government is not satisfied with the decision of the Legislative Council in respect of matters relating to law, justice and police, it shall be open to the Government to refer the matter to Indian Legislature, and the ordinary procedure shall follow. But if Grand Committees are instituted, this Congress is of opinion that no less than one half of their strength shall be elected by the Legislative Councils.

4. The proportion of elected members in the Legislative Council shall be four-fifths.

5. Whenever the Legislative Assembly, the Council of State or the Legislative Council is dissolved, it shall be obligatory on the Governor-General or the Governor, as the case may be, to order the necessary elections and to re-summon the body dissolved within a period of three months from the date of dissolution. No dissolution of the Legislature shall take place except by way of an appeal to the electorate and the reason shall be stated in writing and countersigned by the Ministers.

PARLIAMENT AND THE INDIA OFFICE

(*a*) The Council of India shall be abolished, and there shall be two permanent Under-Secretaries to assist the Secretary of State for India, one of whom shall be an Indian.

(*b*) All the charges in respect of India Office Establishment shall be placed on the British Estimates.

(*c*) No financial or administrative powers in regard to the reserved subjects should be transferred to the Provincial Governments, until such time as they are made responsible regarding them to the electorates, and until then the control of the Parliament and the Secretary of State should continue.

(*d*) The Committee to be appointed to examine and report on the present constitution of the Council of India shall contain an adequate Indian element.

MUSLIM REPRESENTATION

The proportion of Mohammedans in the Legislative Councils and the Legislative Assemblies, as laid down in the Congress-League Scheme, must be maintained.

FISCAL AUTONOMY

"This Congress is of opinion that, consistently with the Imperial interests, the Government of this country should have complete freedom in all fiscal matters, and that the question of provincial contributions to the Imperial Exchequer be referred to the Provincial Congress Committees for opinions to be placed before the next Congress at Delhi." *33 : 1918 : Delhi : IV.*

"That this Congress views with grave apprehension the attempt made in certain quarters to assign an inferior position to the Punjab in the Reform Scheme, and urges that having regard to its political, military and historical importance, its wealth, education, social advancement and its magnificent services, during the last War, the Punjab should be placed on a basis of equality with Bengal, Madras, Bombay, and the United Provinces."

33 : 1918 : Delhi : VI.

"That this Congress strongly recommends that Delhi should be constituted into a Regulated Province, that it should have Legislative Council to assist the Chief Commissioner, and that it should have at least two representatives in the Legislative Assembly."

33 : 1918 : Delhi : VII.

"That this Congress approves of the submission to His Majesty the King Emperor of an address of congratulation on the successful termination of the War and a petition to the High Court of Parliament in England enunciating our demand for responsible Government as an integral part of British Empire and embodying the resolution of the Congress regarding such demands, and appoints

Mr. N. C. Kelkar,
Mr. K. M. Munshi,
Mr. B. G. Horniman and
The Hon'ble Mr. V. J. Patel

to draft them and desires the All-India Congress Committee to arrange for their preparation and presentation." *33 : 1918 : Delhi : XVII.*

"Having regard to the special importance of Ajmer-Merwara and British Rajputana as a model for the Native States, this Congress supports the claim of that Province that its status should be that of a Regulated Provinnce, and that a Council consisting of a majority of elected representatives of the people should be provided in the

Reform Scheme, and that two elected representatives of the Province should be allowed on the proposed Legislative Assembly."

33 : 1918 : Delhi : VIII.

"In view of the pronouncement of President Wilson, Mr. Lloyd George, and other British statesmen, that to ensure the future peace of the world, the principle of Self-Determination should be applied to all progressive nations,

Be it resolved—

1. That this Congress claims the recognition of India by the British Parliament and by the Peace Conference as one of the Progressive Nations to whom the principle of Self-Determination should be applied.

2. That in the practical application of the principle in India the first step should be—

(*a*) The removal of all hindrances to free discussion, and therefore the immediate repeal of all laws, regulations and ordinances restricting the free discussion of political questions whether in the press, private or public meeting, or otherwise, so that the legitimate aspirations and opinions of all residents in India may be fearlessly expressed ; further, the abolition of the laws, regulations, and ordinances, which confer on the Executive the power to arrest, detain, intern, extern or imprison any British subject in India, outside the processes of ordinary Civil or Criminal Law, and the assimilation of the law of sedition to that of England.

(*b*) The passing of an Act of Parliament which will establish at an early date complete Responsible Government in India.

(*c*) When complete Responsible Government shall be thus established, the final authority in all internal affairs shall be the supreme Legislative Assembly as voicing the will of the Indian Nation.

Resolved further—

(*d*) That in the reconstruction of Imperial policy, whether in matters affecting the inner relations of the nations constituting it, in questions of foreign polioy or in the League of Nations, India shall be accorded the same position as the Self-Governing Dominions."

33 : 1918 : Delhi : XI.

"That this Congress re-affirms the principles of reforms contained in the Resolutions relating to self-Government adopted in the Indian National Congress and the All-India Muslim League held at Lucknow in December 1916 and at Calcutta in December 1917 and declares that nothing less than self-government within the Empire can satisfy

the Indian people and by enabling it to take its rightful place as a free and self-governing nation in the British Commonwealth strengthen the connection between Great Britain and India."

33 [Special] : 1918 : Bombay : II.

(*a*) "That this Congress declares that the people of India are fit for Responsible Government and repudiates the assumption to the contrary contained in the Report on Indian Constitutional reforms.

(*b*) That this Congress entirely disagrees with the formula contained in the said Report that the Provinces are the domain in which the earlier steps should be taken towards the progressive realisation of Responsible Government and that the authority of the Government of India in essential matters must remain indisputable pending experience of the effect of the changes proposed to be introduced in the Provinces and this Congress is of opinion that simultaneous advance is indispensable both in the Provinces and the Government of India." *33 [Special] : 1918 : Bombay : III.*

"The Government of India shall have undivided administrative authority on matters directly concerning peace, tranquility and defence of the country subject to the following :—

That the Statute to be passed by Parliament should include the Declaration of the Rights of the People of India as British citizens -—

(*a*) That all Indian subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal or administrative law in force in the Dominions, whether substantive or procedural of a discriminative nature ;

(*b*) That no Indian subject of His Majesty shall be liable to suffer in liberty, life, property, or of association, free speech or in respect of writing, except under sentence by an ordinary Court of Justice, and as a result of lawful and open trial ;

(*c*) That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence, as in Great Britain, and that the right shall not be taken away save by a sentence of an ordinary Court of Justice ;

(*d*) That the Press shall be free, and that no licence or security shall be demanded on the registration of a press or a newspaper ;

(*e*) That corporal punishment shall not be inflicted on any Indian subject of His Majesty, save under conditions applying equally to all other British subjects." *33 [Special] : 1918 : Bombay : IV.*

"That, so far as the question of determining the franchise and the constituencies and the composition of the Legislative Councils

and the Legislative Assembly is concerned, this Congress is of opinion that instead of being left to be dealt with by committees, it should be decided by the House of Commons and be incorporated in the statute to be framed for the constitution of the Indian Government.

Or, in the alternative, if a Committee is appointed for the purpose, the two non-official members of the Committee should be elected—one by the All India Congress Committee and the other by the Council of the Muslim League while the co-opted non-official for each province should be elected by the Provincial Congress Committee of that Province." *33* : [*Special*] : *1918* : *Bombay* : *XIII.*

GOVERNMENT OF INDIA ACT*, 1919
(9 & 10 Geo. 5, c. 101)

Whereas it is the declared policy of parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in British India as an integral part of the empire :

And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken :

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples :

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

And whereas concurrently with the gradual development of self-governing institutions in the provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities : ...Be it therefore enacted...as follows :

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*"The Principal Act was the Government of India Act of 1915. It was called 'The Government of India Acts of 1915 and 1916' after the amending Act of 1916 was passed. The Act embodying the Reform Proposals is called 'The Government of India Act, 1919'. The Principal Act of 1915 as amended by the subsequent amending Acts of 1916 and 1919 is to be cited simply as 'The Government of India Act'. See Sec 47 of the Government of India Act, 1919".—P. Mukherji, *The Indian Constitution*, p. 14.

Also in :

Keith, A.B. *Speeches and Documents on Indian Policy*, 1750-1921, Vol. II, pp. 281-332.

PART I

LOCAL GOVERNMENTS

Classification of Central and Provincial Subjects

1. (1) Provision may be made by rules under the Government of India Act, 1915, as amended by the Government of India (Amendment) Act, 1916 (which Act so amended is in this Act referred to as the 'Principal Act') :

(*a*) For the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of Local Governments and Local Legislatures from the functions of the Governor-General in Council and the Indian Legislature ;

(*b*) for the devolution of authority in respect of provincial subjects to Local Governments, and for the allocation of revenues or other moneys to these Governments ;

(*c*) for the use under the authority of the Governor-General in Council of the agency of Local Governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency ;

(*d*) for the transfer from among the provincial subjects of subjects (in this Act referred to as 'transferred subjects') to the administration of the Governor acting with Ministers appointed under this Act, and for the allocation of revenues or moneys for the purpose of such administration.

(2) Without prejudice to the generality of the foregoing powers, rules made for the above-mentioned purposes may—

(*i*) regulate the extent and conditions of such devolution, allocation and transfer ;

(*ii*) provide for fixing the contributions payable by Local Governments to the Governor-General in Council, and making such contributions a first charge on allocated revenues or moneys ;

(*iii*) provide for constituting a finance department in any province, and regulating the functions of that department ;

(*iv*) provide for regulating of the exercise of the authority vested in the local Government of a province over members of the public Service therein ;

(*v*) provide for the settlement of doubts arising as to whether any matter does not relate to a provincial subject or a transferred subject, and for the treatment of matters which effect both a transferred subject and a subject which is not transferred ; and

(*vi*) make such consequential and supplemental provisions as appear necessary or expedient ;

Provided that without prejudice to any general power of revoking or altering rules under the Principal Act, the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council.

(3) The powers of superintendence, direction and control over Local Governments vested in the Governor-General in Council under the Principal Act shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under that Act, but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such power in any particular case comes within the purposes so specified.

(4) The expressions 'central subjects' and 'provincial subjects' as used in this Act mean subjects so classified under the rules.

Provincial subjects other than transferred subjects, are in this Act referred to as 'reserved subjects.'

* * * *

REVISED SYSTEM OF LOCAL GOVERNMENT IN CERTAIN PROVINCES

3. (1) The Presidencies of Fort William in Bengal, Fort St. George, and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall each be governed, in relation to reserved subjects, by a Governor in Council, and in relation to transferred subjects (save as otherwise provided by this Act) by the Governor acting with Ministers appointed under this Act.

The said Presidencies and provinces are in this Act referred to as "Governor's Provinces" and two first named presidencies are in this Act referred to as the presidencies of Bengal and Madras.

(2) The provisions of sections forty-six to fifty-one of the Principal Act, as amended by this Act, shall apply to the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, as they apply to the Presidencies of Bengal, Madras and Bombay. Provided that the Governors of the said Provinces shall be appointed after consultation with the Governor-General.

APPOINTMENT OF MINISTERS AND COUNCIL SECRETARIES

4. (1) The Governor of a Governor's province may, by notification, appoint Ministers, not being members of his Executive Council or other official, to administer transferred subjects and any Ministers so appointed shall hold office during his pleasure.

There may be paid to any Minister so appointed in any province the same salary as is payable to a member of the Executive Council

in that province, unless a smaller salary is provided by vote of the Legislative Council of the province.

(2) No Minister shall hold office for a longer period than six months, unless he is or becomes an elected member of the local legislature.

(3) In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice : Provided that rules may be made under the Principal Act for the temporary administration of a transferred subject where, in cases of emergency owing to a vacancy, there is no Minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

QUALIFICATION OF MEMBERS OF LOCAL EXECUTIVE COUNCILS

5. (1) The provision in section forty-seven of the Principal Act, that two of the members of the Executive Council of the Governor of a province must have been for at least twelve years in the service of the Crown in India, shall have effect as though 'one' were substituted for 'two', and the provision in that section that the Commander-in-Chief of His Majesty's Forces in India, if resident at Calcutta, Madras, or Bombay, shall during his continuance there, be a member of the Governor's Council, shall cease to have effect.

(2) Provision may be made by rules under the Principal Act as to the qualifications to be required in respect of members of the Executive Council of the Governor of a province in any case where such provision is not made by section forty-seven of the Principal Act as amended by this section.

BUSINESS OF GOVERNOR IN COUNCIL AND GOVERNOR WITH MINISTERS

6. (1) All orders and other proceedings of the Government of a Governor's province shall be expressed to be made by the Government of the province, and shall be authenticated as the Governor may by rule direct, so, however, that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings.

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceedings on the ground that they were not duly made by the Government of the province.

(2) The Governor may make rules and orders for the more convenient transaction of business in his Executive Council and with his Ministers, and every order made or act done in accordance with

those rules and orders shall be treated as being the order or the act of the Government of the province.

The Governor may also make rules and orders for regulating the relations between his Executive Council and his Ministers for the purpose of the transaction of the business of the Local Government.

Provided that any rules and orders made for the purpose specified in this section which are repugnant to the provisions of any rules made under the Principal Act as amended by this Act shall, to the extent of that repugnancy, but not otherwise, be void.

COMPOSITION OF GOVERNOR'S LEGISLATIVE COUNCILS

7. (1) There shall be a Legislative Council in every Governor's province, which shall consist of the members of the Executive Council and of members nominated or elected as provided by this Act.

The Governor shall not be a member of the Legislative Council, but shall have the right of addressing the Council, and may for that purpose require the attendance of its members.

(2) The number of members of the Governor's Legislative Councils shall be in accordance with the table set out in the First Schedule to this Act ; and of the members of each Council not more than twenty per cent shall be official members, and at least seventy per cent shall be elected members : Provided that

(*a*) subject to the maintenance of the above proportions, rules under the Principal Act may provide for increasing the number of members of any Council, as specified in that schedule and

(*b*) the Governor may, for the purpose of any Bill introduced or proposed to be introduced in his Legislative Council, nominate, in the case of Assam one person, and in the case of other provinces not more than two persons, having special knowledge or experience of the subject matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the Council, and shall be in addition to the numbers above referred to ; and

(*c*) members nominated to the Legislative Council of the Central Provinces by the Governor as the result of elections held in the Assigned Districts of Berar shall be deemed to be elected members of the Legislative Council of the Central Provinces.

(3) The powers of Governor's Legislative Councils, may be exercised notwithstanding any vacancy in the Council.

(4) Subject as aforesaid, provision may be made by rules under the Principal Act as to :

(*a*) the term of office of nominated members of Governor's Legislative Councils, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise ; and

(*b*) the conditions under which and manner in which persons may be nominated as members of Governor's Legislative Councils ; and

(*c*) the qualification of electors, the constitution of constituencies, and the method of election for Governor's Legislative Councils, including the number of members to be elected by communal and other electorates, and any matters incidental and ancillary there to ; and

(*d*) the qualifications for being nominated or elected a member of any such Council ; and

(*e*) the final decision of doubts or disputes as to the validity of any election ; and

(*f*) the manner in which the rules aae to be carried into effect :

Provided that rules as to any such matters as aforesaid may provide for delegating to the Local Government such powers as may be specified in the rules of making subsidiary regulations affecting the same matters.

(5) Subject to any such rules, any person who is a ruler or subject of any State in India may be nominated as a member of a Governor's Legislative Council.

* * * *

POWERS OF LOCAL LEGISLATURES

10. (1). The local Legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local Legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local Legislature.

(3) The local Legislature of any province may not without the previous sanction of the Governor-General, make or take into consideration any law—

(*a*) imposing or authorising the imposition of any new tax-

unless the tax is a tax scheduled as exempted from this provision by rules made under the Principal Act ; or

(*b*) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the Government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty ; or

(*c*) affecting the discipline or maintenance of any part of His Majesty's naval, military or air forces ; or

(*d*) affecting the relations of the Government with foreign princes or States ; or

(*e*) regulating any central subject ; or

(*f*) regulating any provincial subject which has been declared by rules under the Principal Act to be, either in whole or in part, subject to legislation by the Indian Legislature, in respect of any matter to which such declaration applies ; or

(*g*) affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force ; or

(*h*) altering or repealing the provisions of any law which, having been made before the commencement of this Act by any authority in British India other than that local Legislature, is declared by rules under the Principal Act to be a law which cannot be repealed or altered by the local Legislature without previous sanction ; or

(*i*) altering or repealing any provision of an Act of the Indian Legislature made after the commencement of this Act, which by the provisions of that Act may not be repealed or altered by the local Legislature without previous sanction :

Provided that an Act or a provision of an Act made by a local Legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

(4) The local Legislature of any province has not power to make any law affecting any Act of Parliament.

BUSINESS AND PROCEDURE IN GOVERNOR'S LEGISLATIVE COUNCILS

II. (1) Sub-sections (1) and (3) of section eight of the Principal Act (which relate to the classes of business which may be transacted at meeting of local Legislative Council) shall cease to apply to a Governor's Legislative Council, but the business and the procedure in

any such Council shall be regulated in accordance with the provisions of this section.

(2) The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the Council in each year, and the proposals of the Local Government for the appropriation of the provincial revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed :

Provided that—

(*a*) The Local Government shall have power, in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject, and the Governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject : and

(*b*) the Governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department ; and

(*c*) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the Governor, communicated to the Council.

(3) Nothing in the foregoing sub-section shall require proposals to be submitted to the Council relating to the following heads of expenditure :

(*i*) contributions payable by the Local Government to the Governor-General in Council ; and

(*ii*) interest and sinking fund charges on loans ; and

(*iii*) expenditure of which the amount is prescribed by or under any law ; and

(*iv*) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and

(*v*) salaries of judges of the High Court of the province and of the Advocate-General.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Governor shall be final.

(4) Where any Bill has been introduced or is proposed to be introduced or any amendment to a Bill is moved or proposed to be moved, the Governor may certify that the Bill or any clause of it or the amendent affects the safety or tranquillity of his province or any part of it or of another province, and may direct that no proceedings or no further proceedings shall be taken by the Council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

RETURN AND RESERVATION OF BILLS

12. (1) Where a Bill has been passed by a local Legislative Council, the Governor, Lieutenant-Governor, or Chief Commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for re-consideration, either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by rules under the Principal Act may, and if the rules so require shall, reserve the Bill for the consideration of the Governor-General.

* * * *

(3) The Governor-General may (except where the Bill has been reserved for his consideration) instead of assenting to or withholding his assent from any Act passed by a local Legislature, declare that he reserves the Act for the signification of His Majesty's pleasure thereon, and in such case the Act shall not have validity until His Majesty in Council has signified his assent and his assent has been notified by the Governor-General.

PROVISION FOR CASE OF FAILURE TO PASS LEGISLATION IN GOVERNORS' LEGISLATIVE COUNCILS

13. (1) Where a Governor's Legislative Council has refused leave to introduce, or has failed to pass in a form recommended by the Governor, any Bill relating to a reserved subject, the Governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the Council have not consented thereto, be deemed to have passed, and shall, on signature by the Governor, become an Act of the local Legislature in the form of the Bill as originally introduced or proposed to be introduced in the Council or (as the case may be) in the form recommended to the Council by the Governor.

(2) Every such Act shall be expressed to be made by the Governor, and the Governor shall forthwith send an authentic copy thereof to the Governor-General, who shall reserve the Act for the signification of His Majesty's pleasure, and upon the signification of such assent by His Majesty in Council, and the notification thereof

by the Governor-General, the Act shall have the same force and effect as an Act passed by the local Legislature and duly assented to :

Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject however to disallowance by His Majesty in Council.

(3) An Act made under this section shall, as soon as practicable after being made, be laid before each House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat.

* * * *

CONSTITUTION OF NEW PROVINCES & C., AND PROVISION AS TO BACKWARD TRACTS

(1) The Governor-General in Council may, after obtaining an expression of opinion from the Local Government and the local Legislature affected, by noticfiation, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new Governor's province, place part of a Governor's province, under the administration of a Deputy-Governor to be appointed by the Governor-General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of the Principal Act or this Act relating to Governor's province or provisions under a Lieutenant-Governor or Chief Commissioner, to any such new province or part of a province.

(2) The Governor-General in Council may declare any territory in British India to be a backward tract and may, by notification, with such sanction as aforesaid, direct that the Principal Act and this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification. Where the Governor-General in Council has, by notification, directed as aforesaid, he may, by the same or subsequent notification, direct that any Act of the Indian Legislatures shall not apply to the territory in question or any part thereof, or shall apply to the territory or any part thereof subject to such exceptions or modifications as the Governor-General thinks fit, or may authorise the Governor in Council to give similar directions as respects any Act of the local Legislature.

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PART II

GOVERNMENT OF INDIA

INDIAN LEGISLATURE

Subject to the provisions of this Act, the Indian Legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian Legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers.

COUNCIL OF STATE

(1) The Council of State shall consist of more than sixty members nominated or elected in accordance with rules made under the Principal Act, of whom not more than twenty shall be official members.

(2) The Governor-General shall have power to appoint from among the members of the Council of State, a President and other persons to preside in such circumstances as he may direct.

(3) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members.

LEGISLATIVE ASSEMBLY

(1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under the Principal Act.

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred.

Provided that the rules made under the Principal Act may provide for increasing the number of members of the Legislative Assembly as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least five-seventh of the members of the Legislative Assembly shall be elected members, and at least one-third of the other members be non-official members.

(3) The Governor-General shall have the right of addressing the Legislative Assembly, and may for that purpose require the attendance of its members.

* * * *

INDIAN BUDGET

(1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian Legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendations of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs—

(*i*) interest and sinking fund charges on loans ; and

(*ii*) expenditure of which the amount is prescribed by or under any law ; and

(*iii*) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and

(*iv*) salaries of Chief Commissioners and Judicial Commissioners ; and

(*v*) expenditure classified by the order of the Governor-General in Council as—

(*a*) ecclesiastical ;

(*b*) political ;

(*c*) defence.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the heads of expenditure not specified in the above heads shall be submitted to the vote of the Legislative Assembly in the form of demands for grants.

(6) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilties, act as if it had been assented to, notwithstanding the

withholding of such assent, or the reduction of the amount therein referred to, by the Legislative Assembly.

(8) Notwithstanding anything in this section, the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.

PROVISION FOR CASE OF FAILURE TO PASS LEGISLATION

(1) Where either chamber of the Indian Legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certifiy that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof, and thereupon—

(*a*) If the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian Legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian Legislature, or (as the case may be) in the form recommended by the Governor-General ; and

(*b*) If the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not thereof have been laid before each House of Parliament for not less than eight days on which that House has sat ; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian Legislature and duly assented to :

Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

SUPPLEMENT PROVISIONS AS TO POWER OF INDIAN LEGISLATURE

(1) In addition to the measures referred to in sub-section (2) of section sixty-seven of the Principal Act, as requiring previous sanction of the Governor-General, it shall not be lawful without such previous sanction to introduce at any meeting of either chamber of the Indian Legislature any measure—

(*a*) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under the Principal Act to be subject to legislation by the Indian Legislature ; or

(*b*) repealing or amending any act of a local Legislature ; or

(*c*) repealing or amending any Act or ordinance made by the Governor-General.

(2) Where in either chamber of the Indian Legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment and effect shall be given to such direction.

COMPOSITION OF GOVERNOR-GENERAL'S EXECUTIVE COUNCIL

(1) The provision in section thirty-six of the Principal Act, imposing a limit on the number of members of the Governor-General's Executive Council, shall cease to have effect.

(2) The provision in section thirty-six of the Principal Act, as to the qualification of members of the Council shall have effect as though the words 'at the time of their appointments' were omitted, and as though after the word 'Scotland' there were inserted the words 'or a pleader of the High Court' and as though 'ten years' were substituted for 'five years'.

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PART III

SECRETARY OF STATE IN COUNCIL

Relaxation of Control of Secretary of State :—

The Secretary of State in Council may, notwithstanding anything in the Principal Act, by rule regulate and restrict the exercise of the powers of superintendence, direction, and control, vested in the Secretary of State and the Secretary of State in Council, by the Principal Act, or otherwise, in such manner as may appear

necessary or expedient in order to give effect to the purpose of this Act.

Before any rules are made under this section relating to subjects other than transferred subjects, the rules proposed to be made shall be laid in draft before both Houses of Parliament, and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect.

Any rules relating to transferred subjects made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validit of anything previously done thereunder.

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PART IV

THE CIVIL SERVICES IN INDIA

The Civil Services in India :—

(1) Subject to the provisions of the Principal Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed.

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a Governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may, without prejudice to any other right of redress, complain to the Governor of the province in order to obtain justice, and the Governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable.

(2) The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to Local Governments, or authorize the Indian Legislature or local legislatures to make laws regulating the public services ;

Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable.

(3) The right to pensions and the scales and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of this Act. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof.

Nothing in this section or any rule thereunder shall prejudice the rights to which any person may, or may have, become entitled under the provisions in relation to pensions contained in the East Indian Annuity Funds Act, 1874.

(4) For the removal of doubts, it is hereby declared that all rules or other provisions in operation at the time of the passing of this Act, whether made by the Secretary of State in Council or by any other authority, relating to the civil service of the Crown in India, were duly made in accordance with the powers in that behalf, and are confirmed, but any such rules or provisions may be revoked, varied or added to by rules or laws made under this section.

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PART V

STATUTORY COMMISSION

(1) At the expiration of ten years after the passing of this Act the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into

the working of the system of government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.

*Resolution thanking Mr. Montagu and offering Support in working the new Constitution passed by the Indian National Congress, 1919**

"This Congress reiterates its declaration of last year that India is fit for full Responsible Government and repudiates all assumptions and assertions to the contrary wherever made.

This Congress adheres to the resolutions passed at the Delhi Congress regarding the Constitutional Reforms and is of opinion that the Reform Act is inadequate, unsatisfactory and disappointing.

This Congress further urges that Parliament should take early steps to establish full Responsible Government in India in accordance with the principle of self-determination.

This Congress trusts that so far as may be possible they will work the Reforms so as to secure an early establishment of full Responsible Government, and this Congress offers its thanks to Mr E. S. Montagu for his labour in connexion with Reforms."

* * * *

"This Congress regrets that the recommendation made in resolution No. VIII of the last Congress on behalf of Ajmer-Merwara and British Rajputana has found no place in the Indian Reforms Act, and trusts that the Government of India will take necessary steps to raise its status to that of a Regulated Province in terms of para 198 of the Montagu-Chelmsford Report on Constitutional Reforms simultaneously with the reformed Councils in other parts of British India and at least two seats on the Legislative Assembly be allotted to Ajmer-Merwara and British Rajputana out of the additional seats provided by the Joint Parliamentary Committee on Reforms Bill." *34 : 1919-1920 : Amritsar : XXXV.*

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*Gwyer, *Sir* Maurice and Appadorai, A, *Speeches and Documents on the Indian Constitution,* 1921-47, Vol. I, p. 1,

THE GOAL OF INDIAN POLITICAL EVOLUTION

Dominion Status V. Complete Independence

*Sir Malcolm Hailey, Home Member to the Government of India, on the grant of full self-governing Dominion Status to India, 8 February 1924**

The pronouncement of August 1917 spoke of 'the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India'. That is also the term used in the Preamble to the Act ; that is the term used in the Royal Warrant of Instructions which adds that 'thus will India be fitted to take her place among the other Dominions'. The term has its significance ; we know that it was deliberately chosen. The Congress and the League had asked the Imperial Government to proclaim its intention to confer self-government on India at early date and the Cabinet chose present term. The expression used in the Act is a term of precision, conveying that the Executive in India would be responsible to the Indian Legislature instead of to the British Parliament. If you analyse the term 'full Dominion self-Government', you will see that it is of somewhat wider extent, conveying that not only will the Executive be responsible to the Legislature but the Legislature will in itself have the full powers which are typical of the modern Dominion. I say there is some difference of substance, because responsible government is not necessarily incompatible with a Legislature with limited or restricted powers. It may be that full Dominion self-government is the logical outcome of responsible government, nay, it may be the inevitable and historical development of responsible government, but it is a further and a final step.

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We maintain that the objective of the Government of India Act is as defined in that Act, namely, responsible government. We do not deny that full Dominion Status may be the corollary of responsible government. For the present we must limit ourselves to the objective of the Act.

*Mr. S. Srinivasa Iyengar, President of the Indian National Congress, on Non-acceptance of Office by the Party, 26 December 1926***

Controversy has raged round the question of non-acceptance of office ; but it should be easy to come to a decision upon it, if we kept in view the spirit and objective of our fight against the bureaucracy.

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*Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. I, p. 220.

**Ibid.*, pp. 9-10.

In no Province is the Congress Party in the Council in an absolute majority so as to be able to take office and dictate terms to the head of the Government and the Reserved half. To form a Ministry, it will have to coalesce with other groups and to lower its flag and to lose its distinctive character. And any such Ministry, if formed can hold office only on sufferance and with the support of the Government and its nominated and official group of votes. On the one hand, it will be indistinguishable in achievement, or rather the lack of it, from a Ministry formed by any non-Congress group of members. If on the other hand, it attempts to maintain its spirit and carry out its purpose, it must either resign instantly or acquiesce ignominiously in its failure. Again, a strong Minister can only attempt to improve some of the details of administration, but can neither help to change the system of Government nor can effect even material improvements in administration. By improving a detail here and a detail there of administration, he would rather help to perpetuate the existing system of Government by casting his reflected benevolence on the bureaucracy. In reality, no one who has closely followed the achievements of Ministers in the several Provinces can seriously believe that any Ministry can, without a proper system of self-government, get good government for the country.

We should also clearly realize that the power of an opposition, though indirect, is very real and much more effective than the power of Ministers and that if we are disciplined and energetic and in sufficient numbers in any Council we can carry out our policy and programme more easily than the Ministers.

The refusal to accept office till a satisfactory response is made constitutes an amount of political pressure that is necessary and sufficient to induce the Government to come to a settlement. By accepting office, the Congress is bound to become an unconscious ally of the bureaucracy. And, if the most advanced party in the country takes office, where will be the determined and disciplined opposition in each Council to fight against Dyarchy or for Swaraj ? Neither the Ministers nor their party can openly speak and vote against the administration of Reserved subjects. Again, neither the refusal of the Government to release political prisoners and internees nor the rejection of our reasonable demand nor that of our offer of honourable co-operation can be forgotten when we are asked to take office, not as part of a settlement, but as a token of our unconditional surrender. Our self-respect prohibits us from retracing steps when, instead of defeat, victory beckons us to march ahead.

It is said that if we cannot organize forthwith civil disobedience there is no other honest alternative than to own ourselves beaten and

accept office. Neither horn of the dilemma exists save in one's imagination. The policy we are pursuing is thoroughly logical and practical and, if persisted in for a while longer, will be crowned with success. After the severest denunciations of the Reform Act on a thousand platforms and the most cogent demonstration of the futility of taking office, it were an anticlimax to think of Ministries now. I am certain that the Government wants Congressmen to become Ministers only on the terms of 'sober and whole-hearted co-operation' with the Reserved half of the bureaucracy. I am sure we are all convinced that without a fair measure of self-denial we shall never be able to achieve anything, and that a policy of continuous opposition and resistance to the bureaucracy is required to give tone to our organization, and life and vigour to our movement. Lastly, let us not forget that the policy of non-acceptance of office is neither unconditional nor for all time. On the other hand, its relaxation or modification depends upon the attitude of the Government and its willingness to agree to conditions more or less similar to those that were adumbrated by Desabandhu Das at Faridpur.

Objection is raised to the continuance of our present policy in the Councils on the ground that it has been tried for the past three years and that we are not yet in sight of the realization of our hopes. The charge of barrenness is falsified by the party's splendid record of achievement in the last Assembly and in the Councils, and by the results of the general elections as a whole. Shall we forget that it was to create an atmosphere of resistance both in the Councils and in the country that we entered the former and that we succeeded in making their atmosphere invigorating and markedly different from what it was before ? We have not yet fully acquired the habit of resistance. And the power of resistance must be indefinitely increased till it fulfils itself. Again, this time, the work in the country must be our first care ; it will then easily gather such volume and intensity as to sweep everything before it.

"This Congress realises the gravity of the issues arising out of the report of the Royal Commission on Currency and authorises the Working Committee to go into the whole subject with the aid of experts, if necessary, and issue instructions to the Congress members in the Legislative Assembly to take steps to safeguard the interests of the people of India in such manner as it may be advised."

41 : 1926 : Gauhati : X.

*His Excellency the Viceroy, Lord Irwin, on the nationalist demand for a revision of the constitution, 24 January 1927**

"I have not infrequently been told that the problem is psychological, and that many, if not most, of our present difficulties in regard to pace and manner of advance would disappear, if it was once possible to convince India that the British people were sincere in their professed intention of giving India Responsible Government.

It is difficult to know in what way one may hope to carry conviction to quarters which remain unconvinced. I have already stated my belief that, whether what the British people has sought and is seeking to do in India will be approved or condemned by history, their own inherited qualities left them no alternative but to open to India the path in which they had themselves been pioneers, and along which they have led and are leading the peoples, wherever the British flag is flown.

Moreover, in the success of the attempt to lead a friendly India towards self-government, the self-interest and the credit of Great Britain before the world are alike engaged, and forbid her to contemplate with equanimity the failure to achieve a purpose which has been so publicly proclaimed. Every British party in a succession of Parliaments, elected on the widest franchise, and therefore representing in the widest possible manner the British people, has pledged itself to the terms of the 1917 Declaration. They have implemented those terms by legislation, and thus given practical proof of sincerity by introducing wide and far reaching changes into the structure of Indian Government.

From those undertakings no British party can or will withdraw and, although the British race may lack many excellent qualities, they can afford to remain unmoved by charges of bad faith, which their whole history denies.

But, it is said, the alleged sincerity of Parliament receives practical contradiction on the one hand by arbitrary executive acts such as the detention of certain men without trial in Bengal, and on the other by the reluctance of Parliament to give a firm time-table for the completion of its loudly professed purpose of making India herself responsible within the Empire for her own government. The first question concerns the exercise of that executive responsibility which

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*Address at the opening session of the Third Legislative Assembly. *Speeches of Lord Irwin* (Government of India Press, Simla, 1930), Vol. I, pp. 207-13.
Also in
Gwyer, *Sir*, Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. I, pp. 10-14.

must rest upon any administration, however constituted ; and, though I am well aware of its political reactions, it is a question which must be dealt with on its merits, and has no direct relation with the general question of constitutional advance. For constitutional forms may vary widely, but the maintenance of law and order is the inalienable duty of all those on whom falls the task of government. And indeed the action, of which complaint is made, is solely due to the fact that Government has had good reason to believe that those now detained had rejected the way of constitutional agitation for that of violent conspiracy, and that to put a term to their dangerous activities was essential.

I share with all Hon'ble Members the desire to see an end to the necessity for the continuance of these measures, but the guiding principle in this matter must, and can only, be the interests of the public safety. Nor is the matter one that rests wholly or mainly in the hands of Government. Before releases can be sanctioned Government must be satisfied either that the conspiracy has been so far suppressed that those set at liberty, even if they so desired, would be unable to revive it in dangerous form, or, if the organization for conspiracy still exists, that those released would no longer wish to employ their freedom to resume their dangerous activities. Government have always made it clear, and I repeat today, that their sole object in keeping any men under restraint is to prevent terrorist outrages, and that they are prepared to release them the moment they are satisfied that their release would not defeat this object.

The other main ground for challenging the sincerity of Parliament is based, as I have said, upon the general method of approach that Parliament has adopted towards the problem of Indian constitutional development, and as regards this, I wish to speak more fully.

Those who are anxious to see constitutional advance must either coerce Parliament or convince it. I cannot emphasize too strongly that in this matter they are not likely to succeed in coercing Parliament, and that Parliament will resent the attempt to do so, under whatever shape the attempt is made. Moreover, it must inevitably be gravely disquieted by language, which appears to be inspired by hostility not only to legitimate British interests, but also to the British connexion. Nor is this feeling on the part of Parliament the mere selfish desire to retain power that it is sometimes represented. Parliament believes, and in my judgment rightly, that as it has been placed by history in a position to guide and assist India, it would be definitely defaulting on these obligations if it

surrendered its charge before it was satisfied that it could be safely entrusted to other hands.

Parliament therefore will be rather inclined to examine the practical success or otherwise that has attended the attempt it has made to solve the problem. It will be quite ready to believe that there are features in the present arrangements which can be improved—and it will be ready to improve them. What it will not understand is the line of argument which says that, because the present foundations for future Responsible Government are alleged to be at fault, this is necessarily to be remedied by immediately asking those foundations to bear the entire weight of the whole edifice we desire to build.

When Parliament invites India to co-operate in the working of the reformed constitution, it does not invite any Indian party, as it was authoritatively stated the other day*, to lay aside for the time being its demand for Swaraj ; it does not desire that any party or individual should forgo the freest and fullest right of criticism and constitutional opposition to any action that Government may take ; but it does not invite Indian political parties to show whether or not the ultimate structure. which Parliament is seeking to erect, is one suitable to Indian conditions and Indian needs. If it sees any large section of Indian opinion, however vocal in its desire to further the cause of Indian self-government, steadily adhering to the determination to do nothing but obstruct the machinery with which India has been entrusted, Parliament is more likely to see in this evidence that the application of Western constitutional practice to India may be mistaken than proof of the wisdom of immediate surrender to India of all its own responsibility. It is therefore a matter of satisfaction that a considerable part of the political thought of India has not allowed itself to be dissuaded by criticism or opposition from endeavouring to work the new constitution with constructive purpose. Those who so guide their action are in my judgment proving themselves the true friends of Indian constitutional development.

Parliament is likely to judge these matters as a plain question of practical efficiency. It will be less interested in the exact legal and constitutional rights granted by the reforms to the Indian Legislatures than in the extent to which these Legislatures have realized their responsibilities and duties. It will be quite willing to recognize and make allowance for the limitations placed upon Legislatures by the

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*The reference is presumably to the speech by Lord Birkenhead, the Secretary of State for India, in the House of Lords on 28 July, 1926.—*Parliamentary Debates* (Official Report), Series V, Vol. LXV, 1926, pp. 312-13.

existing Constitution but it will be genuinely puzzled and disappointed if it finds that a good part of ten years has been wasted in a refusal to play the game because some of the players did not like the rules. Propaganda in favour of altering the rules in the early stages of the game will have little effect on the mind of Parliament, but, on the other hand, it will certainly be influenced if it finds the Indian Legislatures exercising their responsibilities, albeit limited, in a spirit of service to India, and tacitly assuming always that their real responsibility is greater than that which is expressed in any Statute.

For Parliament has spent hundreds of years in perfecting its own Constitution. and knows very well that it has only grown into what it is today by the steady use and extension of the power, at first limited, but by custom and precedent constantly expanding, which it contained. There was a time in Canada, when the religious differences between Protestants and Roman Catholics were supposed to constitute an absolute bar to full self-government ; but after a few years, owing to the good sense of the Canadian Legislature, the very real powers of the British Parliament to intervene were silently allowed first to fall into desuetude and then to disappear. Parliament knows too that it is by this means that every one of the Dominions has obtained fully responsible self-government, finally leading, as we have seen at the last Imperial Conference, to a wide revision of the letter of constitutional relations previously prevailing between the several Governments of the Empire.

What then is the position ?

If we concede, as I ask we may, to British and Indian peoples sincerity of purpose, we are in agreement on the fundamental matter of the end we desire to reach. There may be, and is, disagreement over the ways and means of reaching it ; but it is surely a strange distortion of perspective if we allow our conduct to be unduly influenced by differences on issues, which are after all only incidental to the main issue on which we are agreed.

Here, as in other human affairs, evolutionary progress can be realized in two different ways, between which we have constantly to make our choice. Either we can search out points of agreement in the final purposes which inspire thought and action ; or rejecting these peaceful counsels, we can follow the way of conflict where agreement is forgotten, where disagreements are exaggerated, and where the fair flowers of mutual understanding and trust are overgrown by the tangled weeds of suspicion and resentment. In many directions and throughout many centuries the world has made trial of the last, and, in sore disappointment at the results, is coming painfully to learn that the

way of friendship may be at once the more noble and the more powerful instrument of progress.

I have thought it right to say so much, because I am deeply impressed with the gravity of the situation and with the necessity that lies upon us all of facing facts. I am conscious that much that I have said may evoke criticism and excite opposition ; but I hope that I may have succeeded in saying it in words that will not wound the legitimate susceptibilities of any. If in this respect I have anywhere gone astray, and employed language which has falsified my hopes, I would here express my genuine regret. But believing as I do that what I have said is true, I should think myself to have been lacking in my duty, if I had been dettered from telling this Assembly frankly what I conceive to be the truth, from fear that it might sound unpleasantly upon their ears. It were better to be blamed for saying unpleasant things if they are true in time, than to be condemned for saying them too late. I think it is essential that India should clearly appreciate some of the factors which will be powerful to influence the mind of Parliament. I have sought, so far as my own experience and knowledge on these matters is of any worth, to place India in possession of them and I earnestly hope that, in the time which will elapse before the Statutory inquiry, events may follow such a course as may convince both India and Great Britain that it is possible for them harmoniously to work together for the consummation of their common hopes."

THE INDIAN STATUTORY COMMISSION, 1927-30

*Statement by Mr. Stanley Baldwin, Prime Minister, announcing the Appointment of the Commission, 8 November, 1927**

As the House will remember, one of the provisions contained in the Indian Reforms Act of 1919 required 'at the expiration of 10 years after the passing' of that Act, the appointment with the concurrence of both Houses of Parliament, of persons to be a Commission to inquire into the working of the Indian Constitution and to consider the desirability of establishing, extending, modifying or restricting the degree of responsible government then existing there. The Government have decided, for various reasons which I need not now specify, that it is desirable to anticipate the date (December 1929) contemplated by the Act and to appoint this most important Royal Commission forthwith.

**Parliamentary Debates : Commons*, Vol. 210 (1927), pp. 19-21.
Also in
Gwyer, Sir Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. I, p. 205.

Balancing the various considerations and endeavouring to give due weight to each, His Majesty's Government have decided upon the following procedure :

(*a*) They propose to recommend to His Majesty that the Statutory Commission should be composed as follows :

The right hon. and learned Member of Spen Valley (Sir John Simon) (Chairman) ;

Lord Burnham ;

Lord Strathcona and Mount Royal ;

The hon. Member of Finchley (Mr Cadogan) ;

The right hon. Gentleman the Minister of Mines (Colonel Lane Fox) ;

The hon. Member for Limehouse (Mr. Attlee).

These names will be submitted to both Houses in Resolutions.

(*b*) His Majesty's Government cannot of course, dictate to the Commission what procedure it shall follow, but they are of opinion that its task in taking evidence would be greatly facilitated if it were to invite the Central Indian Legislature to appoint a Joint Select Committee, chosen from its elected and nominated unofficial Members, which would draw up its views and proposals in writing and lay them before the Commission for examination in such manner as the latter may decide. This Committee might remain in being for any consultation which the Commission might desire at subsequent stages of the inquiry. It should be clearly understood that the purpose of this suggestion is not to limit the discretion of the Commission in hearing other witnesses.

(*c*) His Majesty's Government suggest that a similar procedure should be adopted with the Provincial Legislatures.

(*d*) The vast area to be covered may make it desirable that the task of taking evidence of the more purely administrative questions involved should be undertaken by some other authority which would be in the closest touch with the Commission. His Majesty's Government suggest that the Commission on arrival in India should consider and decide by what machinery this work may most appropriately be discharged. This will not, of course, debar the Commission from the advantage of taking evidence itself upon these subjects to whatever extent it may think desirable.

(*e*) When the Commission has reported and its Report has been examined by the Government of India and His Majesty's Government it will be the duty of the latter to present proposals to Parliament. But it is not the intention of His Majesty's Government

to ask Parliament to adopt these proposals without first giving a full opportunity for Indian opinion of different schools to contribute its view upon them. And to this end it is intended to invite Parliament to refer these proposals to consideration by a Joint Committee of both Houses and to facilitate the presentation to that Committee both of the views of the Indian Central Legislature by delegations, who will be invited to attend and confer with the Joint Committee, and also of the views of any other bodies whom the Joint Parliamentary Committee may desire to consult.

The ante-dating of the Committee involves an amendment of the Act and a Bill to this end will be introduced at once.

His Excellency the Viceroy, Lord Irwin, on the Composition of the Commission, 8 November 1927

The question of what should be the composition of the Commission is one to which the answer must inevitably be greatly influenced by the nature of the task which Parliament has to perform in the light of its advice. In order that the decision at which His Majesty's Government have arrived may be fully understood, it is necessary to state in a few words what they conceive that task to be. If it were simply the drawing up of a Constitution which Parliament, which must in any circumstances be the final arbiter, would impose on India from without, the problem would be comparatively simple. But that is not how His Majesty's Government conceive it. The preamble to the Act of 1919 recognized, in effect, that with the development of Indian political thought during the last generation, legitimate aspirations towards responsible government had been formed of which account must be taken. His Majesty's present Government desire no less to take account of those aspirations, and their hope is to lay before Parliament—after the investigation into facts prescribed by the Act—conclusions which shall, so far as is practicable, have been reached by agreement with all parties concerned. It is with this object steadily in view that His Majesty's Government have considered both the composition of the Commission and the procedure to be followed in dealing with the Report.

It would be generally agreed that what is required is a Commission which would be unbiased and competent to present an accurate picture of the facts to Parliament, but it must also be a body on whose recommendations Parliament should be found willing to take action which a study of these facts may indicate to be appropriate.

To fulfil the first requirement it would follow that the Commission should be such as may approach its task with sympathy and a

real desire to assist India to the utmost of its power, but with a mind free from preconceived conclusions on either side. It is, however, open to doubt whether a Commission constituted so as to include a substantial proportion of Indian members and, as it rightly would, British official members also, would be thought to satisfy the first condition of reaching conclusions unaffected by any process of *a priori* reasoning. On the one hand, it might be felt that the desire, natural and legitimate, of the Indian members to see India a self-governing nation could hardly fail to colour their judgement of her present capacity to sustain the role ; on the other hand, there are those who might hold that British official members would be less than human if their judgement were not in some degree affected by long and close contact with the questions to which they would now be invited to apply impartial minds.

But even after such a Commission had written its report Parliament would inevitably approach consideration of it with some element of mental reservation due to an instinctive feeling that the advice in more than one case represented views to which the holder was previously committed. It would move uncertainly among conclusions the exact value of which, owing to unfamiliarity with the minds of their framers, it would feel unable to appreciate.

We should, however, make a great mistake if we supposed that these matters were purely constitutional or could be treated merely as the subject of judicial investigation. Indian opinion has a clear title to ask that in the elaboration of a new instrument of government their solution of the problem or their judgement on other solutions which may be proposed should be made an integral factor in the examination of the question and be given due weight in the ultimate decision. It is, therefore, essential to find means by which Indians may be made parties to deliberations so nearly affecting the future of their country.

Boycott of the Commission

The All-India Leaders' Manifesto, 16 November 1927

We have given the most anxious consideration to the announcement made in the Houses of Parliament and the statement of His Excellency the Viceroy and the appeal of the Premier regarding the constitution and programme of the Statutory Commission. We have come to the deliberate conclusion that the exclusion of Indians from the Commission is fundamentally wrong and that the proposals about Committees of Legislatures being allowed to submit their views to the Commission, and later to confer with the Joint Parliamentary Committee, are wholly inadequate to meet the requirements of the case. The underlying principle of the scheme, that Indians are to

have no authoritative voice either in the collection of proper material and evidence or in the taking of decisions by way of recommendations of the Commission to Parliament, is of such a character that India cannot with any self-respect, acquiesce in it. Unless a Commission on which British and Indian statesmen are invited to sit on equal terms is set up we cannot conscientiously take any part or share in the work of the Commission as at present constituted.

Statement by S. Srinivasa Iyengar, President of the Indian National Congress, 10 November 1927

The reasons for the boycott are of the most cogent description. Indian people, as the Congress has rightly claimed, are entitled to determine their own Constitution either by a Round Table Conference or by a convention Parliament. That claim has been definitely negative by the appointment of this Commission. That is the most important reason not only from the Congress point of view but from the point of view, I am certain, of all the Indian political parties which concurred in the two resolutions of the Legislative Assembly of 18th February 1924 and 9th September 1925. That of course is the fundamental objection. The second reason is that we cannot be parties to an inquiry into our fitness for Swaraj or for any measure of responsible government. Our claim for Swaraj is there and it is only a question of negotiations and settlement between the British Government and the Indian people. The third reason is undoubtedly the affront to Indian self-respect involved in the deliberate exclusion of Indians from the Commission. While the Congress point of view is undoubtedly that any Commission, whether mixed or all British, is open to the two fundamental objections already stated, neither Congressmen nor others can ignore the insult offered to Indians generally when they are roundly told that they cannot be regarded as unbiased and competent to present an accurate picture of facts to the Parliament. A majority of really representative and unofficial Indians on the Commission would still be open to the fundamental objections from the Congress point of view but would be free from insulting implications. Nor do I understand how select committees consisting of Indians will become straightway unbiased and competent to make their judgement 'an integral factor in the examination of the question and be given due weight'. The fourth reason for the boycott is that the present time is considered by a British Government as most suitable. From their point of view it would help them to revise the Constitution so as to make it even more convenient than the existing Act. When a Commission was wanted the British Government would not give it, but they would impose upon the Indian people a Commission which is not wanted and when it is not wanted. Lord Birkenhead

now introduces a Bill to amend Section 84A of the Government of India Act so as to appoint the Commission before the expiry of the ten years. Could he not introduce a Bill either to repeal that section altogether or to amend it so as to provide for a Round Table Conference or a Constituent Assembly ? The Government of India Act has been modified during the interval, on matters such as the Lee Commission proposals and the enabling of Viceroys and Members of Government to take leave and go out of India temporarily. This very Section 84A dealing with this Statutory Commission is now sought to be modified on this important matter, the question of date. We are also told in the statement issued by His Excellency the Viceroy that the statute never professed to incorporate 'irrevocable decision'. Why then should not Section 84A be replaced or suitably modified so as to accede to the demands of the Assembly which were passed by overwhelming majorities and the demand of the Congress and the country as a whole ? The last reason for the boycott is the spirit which lies behind these proposals. There is no change of heart except in the direction of greater hardening.

The Presidential Address of the All-India Liberal Federation by Sir Tej Bahadur Sapru, 27 December 1927

'It is our purpose', said Lord Birkenhead, 'that the Commission, when it visits India, should establish contact with the Committee appointed for that purpose by the Central Legislature.'

Stripped of all superfluous verbiage it comes to nothing more than this, that the Central Legislature will be asked to appoint a Committee to prepare their own proposals and to place them before the Commission. Hitherto in the passages that I have quoted above there is not even an indication that these Committees will take part in the examination of witnesses or documents or that they will be at liberty even to submit any report. They are to place their proposals and try to persuade the Commission to accept them which will analyse and criticize those proposals and in the end may accept or reject them. They cannot vote at any stage of their contact with the commission. They are simply there to pleade, to persuade, to urge and then to withdraw, and yet we are told that these Committees will be the colleagues of the Commission. If an advocate can be a colleague of a Judge, if a person who is put on his trial can be the colleague of a jury, then no doubt those Committees will be the colleagues of the Commission.

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There is yet another palliative provided and we are asked to reconcile ourselves to this scheme by remembering that at the next stage 'after the Commission has presented its Report, the proposals of

the Government on it will be sent, according to precedent, to both the Houses of Parliament'. I have a distinct recollection of the work of the Joint Select Committee in the year 1919. I was examined by it and so were many other Indian friends of mine. Constitutionally the creation of such a committee is perfectly understandable and defensible, but constitutionally again I ask, how is it possible for any Indian delegation, whether of the Committees of the Indian Legislatures or any other class of persons, to claim equality with the Select Committee of Parliament or to share responsibility with that Select Committee ? Let not, therefore, the Indian position be misunderstood. At any rate the position of our party is and has been that while constitutionally the ultimate decision lies with Parliament there is nothing in the Act to prevent Parliament from taking in Indians into the Statutory Commission and giving them the right of participating in the recommendations of that Commission. A true spirit of co-operation and broad-minded statesmanship required that Indians should have been taken into the Commission and the creation of this cumbrous machinery of Committees with all bombastic claims for its equality can be no substitute either for a mixed Commission or for a real Round Table Conference.

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I do not think a worse challenge has been thrown out ever before to Indian nationalism, and notwithstanding the profuse assurances in Mr. Baldwin's speech and the yet more profuse assurances in Mr. Ramsay MacDonald's speech, Indian nationalists of the moderate school have been compelled to ask if the only way of recognizing the spirit of co-operation is by telling Indians that their lot is to be none other than that of petitioners, that they cannot be trusted to participate in the responsibility of making recommendations for the future of their country, and that all that they may aspire to is to put their proposals before the Commission which may accept them or reject them, and again to repeat the same process of persuasion, argument and discussion before the Joint Committee of Parliament. Now, if this is what is meant by co-operation, if this is the new idea of equality of status on which we are to be fed, if our patriotism is a prejudice and if the patriotism of the seven Members of Parliament is to be treated as impartial justice, then we Liberals feel justified in telling the Government here and in England, 'You may do anything you like in the assertion of your right as supreme power, but we are not going to acquiesce in this method of dealing with us. Neither our self-respect nor our sense of duty to our country can permit us to go near the Commission.'

"Having regard to the general desire of all political parties in the counrry to unite together in settling Sawraj Constitution, and having considered the various drafts submitted to it and the varions suggestions received in reply to the Working Committee's circular this Congress authorises the Working Committee which shall have power to co-opt, to confer with similar Committees to be appointed by other organisations—political, labour, commercial and communal—in the country and to draft a Swaraj Constitution for India on the basis of a Declaration of Rights, and to place the same for consideration and approval before a Special Convention to be convened in Delhi not later than March next, consisting of the All-India Congress Committee and the leaders and representatives of the other organisations above-mentioned and the elected members of the Central and Provincial Legislature." *42 : 1927 : Madras : XVII.*

"This Congress resolves that the following changes be made in the Constitution :

Art. XIX, Add at the end of para 1.

"Every member of the All-India Congress Committee, *ex-officio* or elected, must pay an annual subscription of Rs. 10/- payable at or before the first meeting of the All-India Congress Committee. Members in default will not be permitted to take part in any meeting of the All-India Congress Committee or of the Subjects Committee."

42 : 1927 : Madras : XVIII.

*Report of the All-Parties Conference Committee on the Constitutional Status of India, 10 August 1928**

"Our terms of reference do not call upon us to make out a case for responsible government for the obvious reason that so far as the Conference was concerned there was no necessity for doing so. There certainly are those among the parties represented in the Conference who put their case on the higher plane of complete independence, but we are not aware of any who would be satisfied with any thing lower than full Dominion Status. On the assumption that India is to have the status of a member of the British Commonwealth of Nations there is scarcely any difference of opinion between one section or another of political India. It may be safely premised that the greatest common factor of agreement among the well recognised political parties in India is that the status and position of India should in no case be lower than that of the self-governing Dominions such as Canada, Australia, South Africa or the Irish Free State. In one word the attainment of Dominion Status is not viewed as a remote stage of our

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*Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the dian Constitution,* 1921-47, Vol. I, p. 220.

evolution but as the next immediate step. That being so it would in ordinary circumstances be unnecssary for us to justify the basis of our recommendations.

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'Dominion Status' is a well understood phrase in constitutional law and though the task of defining it with precision may be difficult, yet everyone acquainted with the history and growth of the political institutions prevailing in the Dominions understands what is meant by it. At the Imperial Conference of 1926 the position of the group of self-governing communities composed of Great Britain and the Dominions was defined as follows : 'They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.' (Keith, *Responsible Government*, vol. II, p. 1224). The learned author from whom we have quoted says that 'the definition may be admired for its intention rather than for its accuracy, as a description of fact as opposed to ideal'. We are content to look to its intention, and we feel that such difficulties as may arise in the actual working of a Constitution, the basis of which is Dominion Status, in relation to the other members of the British Commonwealth of Nations may well be left to be solved in the case of the 'Dominion of India' as in that of any other 'Dominion', by those wholesome moral and political influences which regulate and must regulate the relations of a composite Commonwealth of Nations."

Pandit Motilal Nehru on Dominion Status v. *Complete Independence, 29 December 1928**

. . . What is our destination ?

My answer straight and simple is FREEDOM is substance, and not merely in form, by whatever name you call it. The Madras Congress has declared the goal as 'Complete Independence'. The All-Parties' Committee has recommended 'Dominion Status'. I have explained my position more than once, but with your permission I shall restate it here as clearly as I can. To put it in a nutshell it comes to this : I am for Complete Independence—as complete as it can be—but I am not against full Dominion Status—as full as any Dominion possesses it today—provided I get it before it loses all

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**Presidential Address of Pandit Motilal Nehru, Forty-third Indian National Congress* (Calcutta, 29 December 1928), pp. 15-24.

Also in

Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. I, pp. 221-224.

attraction. I am for severance of British connexion as it subsists with us today, but am not against it as it exists with Dominions.

Let me explain. National freedom unrestricted and unqualified is the natural craving of the human soul. I do not believe that there is a single Indian, be he or she a member of a party or group, or one completely detached from all parties and groups, who does not love freedom or will not have it. Differences arise only when the question is raised whether it is possible to have and to keep freedom ; and it is then that we find opinion sharply divided. There are those who have the faith in them and in their countrymen to answer the question by an emphatic 'yes'—and I may at once say that I am one of them. But there are also those who will shake their heads, some from conviction and others in doubt. Complete Independence is the goal of the former, Dominion Status that of the latter. I will not undertake a fruitless inquiry into the relation or want of relation between Independence and Dominion Status. It does not matter to me whether theoretically they belong to the same or different stocks, or whether one is or is not the negation of the other. What matters to me is that Dominion Status involves a very considerable measure of freedom bordering on Complete Independence and is any way preferable to complete dependence. I am therefore not against an exchange of our abject dependence with whatever measure of freedom there is in full Dominion Status if such exchange is offered. But I cannot make Dominion Status my goal as it has to come from another party over whom I have no control. The only way I can acquire such control is by working in right earnest for Complete Independence. I say 'in right earnest' because I know mere bluff will not take me far ; it is only when Complete Independence is in sight that the party in power will be inclined to negotiate for something less. Empty bluff will not carry us to that stage. Solid work and ungrudging sacrifice alone will do it. When that work is done and sacrifice made, the party having the whip hand will dictate. Whether it is to be Dominion Status or Complete Independence will depend upon whether the conditions then prevailing are similar to those of Ireland or to those of the United States of America at the time when each came into what see now has. Meanwhile, there is nothing before us but a protracted life-and-death struggle on the one side, and continued repression relieved by an occasional dose of undiluted oppression on the other. It follows therefore that whatever the ultimate goal, we must be prepared to traverse the same thorny path to reach it. If we are not so prepared, independence will ever be an ideal dream and Dominion Status an ever receding will-o'-the-wisp.

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I must here ease the mind of those who fear that the moment Dominion Status is granted to us, we shall use it to throw off British connexion altogether. In the speech from which I have already quoted, Lord Irwin said :

'Those in Great Britain who sympathize most warmly with the ideal of India attaining at the earliest possible moment the status of any of the other great Dominions of the Crown will find the ground cut from their feet if British opinion ever becomes convinced, as some apparently are now endeavouring to convince it, that so-called Dominion Status was only valued by India as a stepping stone to a complete severance of her connexion with the British Commonwealth.'

There is no foundation for this apprehension and there is no reason whatever why we should seek complete severance of British connexion if we are put on terms of perfect equality with the Dominions. If we are not put on such terms it will not be Dominion Status ; we will not take a colourable imitation. It must, therefore, be clearly understood that Dominion Status has to be offered and accepted with all its implications, its rights and obligations, which both parties will be in honour bound to respect and uphold. But as Mahatmaji has put it, we 'would not hestitate to sever all connexion, if severance became necessary through Britain's own fault.' It is conceivable that we may be driven to separation by the treatment accorded to us by Britain herself, and in that case we shall have precisely the same remedy as the Dominions now have.

It will, I hope, now be clear why I say that I am for Complete Independence and at the same time not against Dominion Status, if the latter comes without avoidable delay. It is impossible to say which of the parties will have the whip hand at the psychological moment. Great Britain has the whip hand today, and the psychological moment for her to offer, and for India to accept, full Dominion Status has arrived. If Great Britain will not avail herself of the opportunity India will have the whip hand tomorrow, and then will come the psychological moment for her to wrest Complete Independence from Great Britain. No offer of Dominion Status will then be acceptable.

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They (the advocates of Complete Independence) say there are grave reasons for not accepting Dominions Status, even in our present circumstances. I shall now examine those reasons, as far as I have been able to ascertain them from their public speeches. It is said that Dominion Status will not destroy imperialism. My answer is, nor will Complete Independence do it. It has not done it in many

other countries of the world. There is no doubt that full-blooded socialism will do it. But to seek to establish full-blooded socialism in a country lying prostrate and heavily chained at the feet of its exploiters is to cry for the moon. We have to shake off our chains before we can talk even of Dominion Status. On the same lines the altruistic argument is advanced that the British Commonwealth of Nations is an imperialist combine and we should not enter into an unholy alliance with it against the oppressed and exploited nations of the world. But it so happens that at the present moment we are not less oppressed and exploited than any other nation, and I do not see why, once we get rid of that oppression and exploitation, we should lend a willing hand in oppressing and exploiting others. It is true that those who enjoy Dominion Status at present are carrying on their own little games of exploitation because it suits them to do so. But there can be no possible compulsion on India to resort to it provided only the legal status acquired is as full as that enjoyed by the Dominions. It is now settled beyond dispute that the Dominions are not bound to join England in her wars if they are not so inclined.

Perhaps the most important reason given is that the freedom involved in Dominion Status, being in its very nature restricted, the demand for it will divert attention from the goal of Complete Independence and retard the development of the capacity for sacrifice. That may be so in the case of those who think that Dominion Status will come as a free gift from Britain, but cannot apply to those who believe that it can only be won by direct action after cultivating the fullest capacity for sacrifice. The other arguments against Dominion Status are arguments which prove that Britian will never grant it to India. I fully agree with those arguments and can suggest a few more leading to the same conclusion, but I do not wish to quarrel with those who have greater faith in Great Britain and am willing to give them a chance. I cannot expect them to go with me out of their own way if I refuse to accompany them on the way common to both. Of the same nature is the argument that Dominion Status is wholly unsuited to our genius and we can never pull on with the other members of the Commonwealth of Nations. This is true, not because there is any inherent incapacity in us, but because those other members are not likely to admit us on terms of perfect equality into their family. This is stating the same proposition in a different way, and really means that full Dominion Status will never be granted to us. The answer is : we shall not take anything less.

I have often asked some of our friends to whom Dominion Status is anathema what they would do if it were to be offered today. The invariable answer has been that they would consider the offer

when made by the British Government. To the further question, whether they would accept the offer if it followed the main features of the schemes adopted by the All-Parties Conference, I have never been able to get a clear answer. But objection is taken to the preparation of any scheme of Government on Dominion lines by us on the ground that it is for Britain, and not India, to make the offer. It is pointed out that those who enjoy Dominion Status did not fight for it but achieved it in the course of their struggle for Complete Independence, the offer having come from Great Britain. I am quite clear in my own mind that substantially the same process will have to be repeated in India if we are ever to have Dominion Status, and as I have already pointed out, we cannot reasonably accept it unless Complete Independence is in sight. But I cannot understand why it is not open to us to offer terms to Great Britain, as much as it is open to her to offer terms to us. If the offer is honourable to those who make it as well as to those who accept it, it does not matter to me who is the proposer and who the acceptor.

THE INDIAN ROUND TABLE CONFERENCES, 1929-32

*Statement by His Excellency the Viceroy, Lord Irwin, on 'Dominion Status as the Goal of the Indian Political Evolution' and 'Decision to hold a Round Table Conference', 31st October 1929**

The Chairman of the [Indian Statutory] Commission has pointed out in correspondence with the Prime Minister, which, I understand, is being published in England, that as their investigation has proceeded, he and his colleagues have been greatly impressed, in considering the direction which the future constitutional development of India is likely to take, with the importance of bearing in mind the relations which may, at some future time, develop between British India and the Indian States. In his judgement it is essential that the methods, by which this future relationship between these two constituent parts of Greater India may be adjusted, should be fully examined. He has further expressed the opinion that if the Commission's Report and the proposals subsequently to be framed by the Government take this wider range, it would appear necessary for the Government to revise the scheme of procedure as at present proposed. He suggests that what might be required, after the Reports of the Statutory Commission and the Indian Central Com-

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**India in 1929-30*, pp. 466-8.
Also in
Indian Statutory Commission Report, 1930, Vol. I, p. xvii.
Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. I, pp. 227-228.

mittee have been made, considered and published, but before the stage is reached of the Joint Parliamentary Committee, would be the setting up of a Conference in which His Majesty's Government should meet representatives both of British India and of the States, for the purpose of seeking the greatest possible measure of agreement for the final proposals which it would later be the duty of His Majesty's Government to submit to Parliament. The procedure by Joint Parliamentary Committee conferring with delegations from the Indian Legislature and other bodies, which was previously contemplated and is referred to in Sir John Simon's letter to myself of 6th February 1928, would still be appropriate for the examination of the Bill when it is subsequently placed before Parliament, but would in the opinion of the Commission, obviously have to be preceded by some such Conference as they have suggested.

With these views I understand that His Majesty's Government are in complete accord. For, while they will greatly desire, when the time comes, to be able to deal with the question of British Indian political development under conditions the most favourable to its successful treatment, they are, with the Commission, deeply sensible of the importance of bringing under comprehensive review the whole problem of the relations of British India and the Indian States. Indeed, an adjustment of these interests in their view is essential for the complete fulfilment of what they consider to be the underlying purpose of British policy, whatever may be the method for its furtherance which Parliament may decide to adopt.

The goal of British policy was stated in the declaration of August 1917 to be that of providing for the gradual development of self-governing institutions, with a view to the progressive realization of responsible Government in India as an integral part of the British Empire. As I recently pointed out, my own Instrument of Instruction from the King-Emperor expressly states that it is His Majesty's will and pleasure that the plans laid by Parliament in 1919 should be the means by which British India may attain its due place among His Dominions. Ministers of the Crown, moreover have more than once publicly declared that it is the desire of the British Government that India should, in the fullness of time, take her place in the Empire in equal partnership with the Dominions. But in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the Statute of 1919 I am authorized on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration

of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status.

In the full realization of this policy, it is evidently important that the Indian States should be afforded an opportunity of finding their place, and even if we cannot at present exactly foresee on what lines this development may be shaped, it is from every point of view desirable that whatever can be done should be done to ensure that action taken now is not inconsistent with the attainment of the ultimate purpose which those, whether in British India or the States, who look forward to some unity of all-India, have in view.

His Majesty's Government consider that both these objects, namely, that of finding the best approach to the British Indian side of the problem, and secondly, of ensuring that in this process the wider question of closer relations in the future between the two parts of Greater India is not overlooked, can best be achieved by the adoption of a procedure such as the Commission has outlined. When, therefore, the Commission and the Indian Central Committee have submitted their Reports and these have been published, and when His Majesty's Government have been able, in consultation with the Government of India, to consider these matters in the light of all the material then available, they will propose to invite representatives of different parties and interests in British India and representatives of the Indian States to meet them, separately or together, as circumstances may demand, for the purpose of conferences and discussion in regard both to the British-Indian and the all-Indian problems. It will be their earnest hope that by this means it may subsequently prove possible on these grave issues to submit proposals to Parliament which may command a wide measure of general assent.

*Resolution on Complete Independence and the Round Table Conference passed by the Lahore Session of the Indian National Congress, 31 December 1929**

The Congress endorses the action of the Working Committee in connexion with the manifesto signed by party leaders, including congressmen, on the Viceregal pronouncement of October 31 relating to Dominion Status, and appreciates the efforts of the Viceroy towards a settlement of the national movement for Swaraj. The Congress, however, having considered all that has since happened, and the result of the meeting between Mahatma Gandhi, Pandit Motilal Nehru

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**The Indian National Congress, Resolutions*, 1929 (Allahabad), p. 58.

Also in :

Gwyer, *Sir*, Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. I, pp. 227-228.

and other leaders and the Viceroy, is of opinion that nothing is to be gained in the existing circumstances by the Congress being represented at the proposed Round Table Conference. This Congress, therefore, in pursuance of the resolution passed at its session at Calcutta last year, declares that the word 'Swaraj' in article one of the Congress constitution shall mean Complete Independence, and further declares the entire scheme of the Nehru Committee's Report to have lapsed, and hopes that all congressmen will henceforth devote their exclusive attention to the attainment of Complete Independence for India. As a preliminary step towards organizing a campaign for Independence, and in order to make the Congress policy as consistent as possible with the change of creed, this Congress resolves upon a complete boycott of the Central and Provincial Legislatures and Committees constituted by Government and calls upon congressmen and others taking part in the national movement to abstain from participating directly or indirectly in future elections, and directs the present Congress Members of the Legislatures and Committees to resign their seats. This Congress appeals to the nation zealously to prosecute the constructive programme of the Congress, and authorizes the All-India Congress Committee, whenever it deems fit, to launch upon a programme of Civil Disobedience including non-payment of taxes, whether in selected areas or otherwise, and under such safeguards as it may consider necessary.

*His Excellency the Viceroy Lord Irwin's Clarification of his Statement of 31 October 1929 regarding the Purpose of convening the Round Table Conference, 25 January 1930**

The intention of my statement [of 31 October 1929 of which I believe the purport to have been unmistakable, and which carried the full authority of His Majesty's Government, was to focus attention on three salient points. Firstly, while saying that obviously no British Government could prejudge the policy which it would recommend to Parliament after the report of the Statutory Commission had been considered, it restated in unequivocal terms the goal to which British policy in regard to India was directed. Secondly, it emphasized Sir John Simon's assertion that the facts of the situation compel us to make a constructive attempt to face the problem of the Indian States,

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*Address delivered at the Delhi Session of the Indian Legislative Assembly on 25 January 1930.—*Speeches by Lord Irwin*, Vol. II, pp. 96-8 (Government of India Press, Simla, 1931).

Also in

Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47. Vol. I, pp. 228-229.

with due regard to the treaties which regulate their relations with the British Crown ; and, lastly, it intimated the intention of His Majesty's Government to convene a Conference on these matters before they themselves prejudged them by formulation of even draft conclusions.

I have never sought to delude Indian opinion into the belief that a definition of purpose, however plainly stated, would of itself, by the enunciation of a phrase, provide a solution for the problems which have to be solved before that purpose is fully realized. The assertion of a goal, however precise its terms, is of necessity a different thing from the goal's attainment. No sensible traveller would feel that the clear definition of his destination was the same thing as the completion of his journey. But it is an assurance of direction and in this case I believe it to be something of tangible value to India that those who demand full equality with the other self-governing units of the British Commonwealth on her behalf should know that Great Britain on her side also desires to lend her assistance to India in attaining to that position. The desire of most responsible opinion in India and that of His Majesty's Government is thus the same, and where unity of purpose is so assured we ought surely to be prepared to approach the practical difficulties with greater hopefulness. For my own part, if I am satisfied that someone with whom I have business to transact desires the same end as myself, I feel the better able to discuss any honest difference that may emerge between us, as to the means of its complete attainment, with a feeling of confidence that on the main purpose we do not differ.

Although it is true that in her external relations with other parts of the Empire India exhibits already several of the attributes of a self-governing Dominion, it is also true that Indian political opinion is not at present disposed to attach full value to these attributes of status, for the reason that their practical exercise is for the most part subject to the control or concurrence of His Majesty's Government. The demand of Dominion Status that is now made on behalf of India is based upon the general claim to be free from that control, more especially in those fields that are regarded as of predominantly domestic interest. And here, as is generally recognized, there are real difficulties internal to India, and peculiar to her circumstances and world position, that have to be faced, and in regard to which there may be sharp variation of opinion both in India and in Great Britain. The existence of these difficulties cannot be seriously disputed, and the whole object of the Conference now proposed is to afford opportunity to His Majesty's Government of examining in free consultation

with Indian leaders how they may best, most rapidly, and most surely, be surmounted.

The Conference which His Majesty's Government will convene is not indeed the Conference that those have demanded, who claimed that its duty should be to proceed by way of majority vote to the fashioning of an Indian Constitution which should thereafter be accepted unchanged by Parliament. It is evident that any such procedure would be impracticable and impossible of reconciliation with the constitutional responsibility that must rest both on His Majesty's Government and upon Parliament. But, though the Conference cannot assume the duty that appertains to His Majesty's Government, it will be convened for the purpose hardly less important of elucidating and harmonizing opinion, and so affording guidance to His Majesty's Government on whom the responsibility must subsequently devolve of drafting proposals for the consideration of Parliament. It is thus evident that the intrinsic soundness of any particular proposals made, and the manner in which the argument for them is presented, will be more important factors in the Conference than the exact numerical representation enjoyed by any of the different sections of opinion that will participate in the proceedings.

*The Indian Statutory Commission on the Role of the Viceroy and Governor-General, 12 May 1930**

Appointed from among the most prominent public men in Great Britain, and usually discharging his task for a period of five years, the Governor-General occupies the most responsible, as it is the most picturesque and distinguished, office in the overseas service of the British Crown. For, while his activities comprise all the social and benevolent obligations of the Governor-General in the self-governing Dominions, there rests upon the Governor-General of India a direct personal share in the main burden of government, such as pertains to no other representative of the Sovereign within the Empire. Formerly, the Governor-General could not leave India during his term of office. By an amendment of the Statute, made in 1924, he may now be granted leave of absence once, but not more than once, and (unless special reasons require it) for not more than four months.

Powers and Responsibilities

Normally carrying out his functions with the guidance and concurrence of the Members of his Executive Council, and

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**Indian Statutory Commission Report*, Vol. I, pars 189-93.
Also in
Gwyer, *Sir* Maurice and Appadorai, A. *Speeches* and *Documents on the Indian Constitution*, 1921-1947, Vol. I, pp. 30-32.

subject to the very critical observation of a popularly-elected Legislature representing about 250 millions of people, he can, in cases of emergency and stress, completely override that Council and disregard the most fully considered expression of opinion of that Legislature.

Thus, if in any matter his judgement is that the safety, tranquillity and interests of British India, or any part thereof, are essentially affected, he may reject the advice of his Council, and thereupon the decision of the Government of India, whether for action or inaction, is the decision of the Viceroy himself. The rules for the transaction of Council business, the allocation of portfolios among its Members, and the limitation of their scope, are entirely subject to his final decision. Similarly, in the case of the Indian Legislature, the Governor-General can dissolve either Chamber or, if in special circumstances he thinks fit, can extend its life. He can insist on the passing of legislation rejected by either or both Chambers by certifying that such passage is 'essential for the safety, tranquillity or interests of British India or any part thereof'. And while he may, with the assent of his Council, restore grants refused by the Assembly, he can on his sole initiative authorize such expenditure as he thinks to be necessary, for the safety or tranquillity of British India or any part thereof. He may withhold his assent to any Bill, central or provincial, or reserve such Bill for His Majesty's pleasure. He has, in addition, powers in an emergency, without consulting the Legislature, to legislate by ordinance having effect for not more than six months.

The previous sanction of the Governor-General is required for the introduction of certain classes of Bills, both in Central and Provincial Legislatures. It is for him to decide what items of Central expenditure fall within the non-votable categories. On him, too, falls the duty of nominating a number of official and non-official Members to the Central Legislature.

These are the principal legal powers residing in the Governor-General, but no mere list of powers can convey the full importance of his office or the range of his individual authority. The course of Indian politics is profoundly affected by his personality and influence. By the use of interviews and conversations and by his constant personal intervention many a political crisis is averted, and resort to his legal prerogatives is often thereby made unnecessary. Only four times since the Reforms has the Viceroy's power of certification been made use of, and never yet has the premature dissolution of the Indian Legislature been required. Very few days pass without visits by leading men in public life to the Governor-General, and every grave political event comes under his notice and study. He

takes occasional opportunities of laying his views before the Central Legislature by direct address. Furthermore, he is in constant communication with the Governors of Provinces, and no new policy of any importance is ever embarked upon by them without their consultation with, and the general concurrence of, the Governor-General.

*Proposals made by the Indion Statutory Commission regarding the future Constitution of India, 27 May 1930**

Outline of Provincial Changes

In the Provinces, the main consequences of adopting our proposals would be as follows:

The boundary now set up between departments of which Indian Ministers may take charge and departments from which they are excluded will be removed, and thus Dyarchy will terminate.

The conduct of provincial administration as a whole will rest with a Provincial Cabinet, the Members of which will be chosen by the Governor. These Ministers, whether elected Members of the Legislature or not, will have joint responsibility for action and policy. The constitution of the Provincial Cabinet will be elastic and, where and when the Governor considers it necessary, it will contain an official element.

The powers of the Governor for certain essential purposes, such as the protection of Minorities, and of the Civil Service, will be defined, and will be exercised within the limits and under the conditions we have described.

Full powers of intervention in the event of a breakdown will remain in the hands of the Governor, subject to the direction of the Governor-General.

The Provincial Legislatures will be based upon a widened franchise—the extension we propose would treble the electorate and would include the admission of a larger number of women voters.

Certain important Minorities will be adequately protected by continuance of communal electorates unless and until agreement can be reached upon a better method.

The Depressed Classes will get representation by reservation of seats.

The Legislatures will be enlarged, and the constituencies reduced to a more manageable size. The Provincial Councils, instead of being, as at present, purely legislative bodies, will acquire certain

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**Indian Statutory Commission Report* 1930, Vol. II, pars. 364-368.
Also in
Gwyer, *Sir* Maurice and Appadorai, *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. I, pp. 210-219.

powers of recasting their own representative system, so that each Province may advance to self-government on lines which are found to be best suited for its individual needs, subject always to securing that the vote of the majority shall not introduce constitutional changes which would prejudice minority rights.

The Provinces will be provided with enlarged financial resources.

As for Provincial areas, the question whether some redistribution is desirable will at once be taken up ; such cases as those of Sind and Oriya-speaking peoples will be the first to be considered.

Burma, which is admittedly not a natural part of British India, will be separated forthwith. Provision must be made without delay for framing its future Constitution.

The administered areas of the North-West Frontier Province will now receive an advance in constitutional status represented by the creation of a Local Legislature, with powers which we have described. Both it and Baluchistan will acquire the right to representation at the Centre.

The complicated and interlacing systems of administration of the Backward Tracts will be revised, and such parts of these as remain Excluded Areas will come under the charge of the central administration.

Modifications at the Centre

We now pass to the Centre.

The Legislative Assembly, which should be called the 'Federal Assembly', will be reconstituted on the basis of the representation of the Provinces and other areas in British India according to population. Members representing Governors' Provinces will be elected by the Provincial Councils by the method of proportional representation, which will ensure that members belonging to minority communities will be included in sufficient numbers in the Federal Assembly. Members will be returned from the North-West Frontier Province and other areas outside the Governors' Provinces by methods appropriate to each case. The official members of the Federal Assembly will consist of such members of the Governor-General's Council as sit in the Lower House, together with twelve other nominated officials.

The Council of State will continue with its existing functions as a body of elected and nominated Members chosen in the same proportions as at present. Its Members, who must have high qualifications, will, so far as they are elected, be chosen by indirect

election carried out by Provincial Second Chambers if such bodies are constituted, or, failing this, by the Provincial Councils.

The existing legislative and financial powers of the two Chambers of the Central Legislature will remain as at present, but the Federal Assembly will also have the special function of voting certain indirect taxes, collected by a central agency, the net proceeds of which will fall into a Provincial Fund for the purpose of being distributed amongst the different units represented in the Federal Assembly.

The Central Executive will continue to be the Governor-General in Council, but the Governor-General will henceforward be the authority who will select and appoint his Executive Councillors. Existing qualifications will remain, but will be laid down in statutory rules made under the new Government of India Act, so that when occasion arises to modify these conditions hereafter this may be done without passing a new Act of Parliament. But any modification in the statutory rules made for this purpose would require to be laid before both Houses of Parliament and the approval of both Houses expressed by resolution.

It is proposed that among the members of the Governor-General's Council should be one whose primary function it would be to lead the Federal Assembly . . . We propose that the Commander-in-Chief should no longer be a member of it, or of the Central Legislature.

The Army

We have suggested for consideration a method by which, if agreement could be reached, the obstacle which the composition and functions of the Army in India present to the more rapid development of responsible government might be removed through treating the defence of India as a matter which should fall within the responsibilities of the Governor-General, advised by the Commander-in-Chief, as representing the Imperial authorities, instead of the responsibilities of the Government of India in relation to the Central Legislature.

The Civil Services, High Courts, India Office

As regards the Civil Services of India, the Security Services must continue to be recruited as All-India Services by the Secretary of State, and their existing rights must be maintained. These Security Services include the Indian Civil Service and the Indian Police Service. It is a matter for consideration whether the Irrigation Service and the Forest Service should not be similarly recruited. The privilege of premature retirement will be extended.

The rates of Indianization laid down by the Lee Commission for the Security Services will be maintained.

In addition to the existing Public Service Commission, we intend that there should be established by Statute similar bodies covering the Provincial and Subordinate Services in all the Provinces.

The High Courts will be centralized, and the expenses of the High Courts will become a Central charge.

As regards the India Office, the Governor-General in Council will remain in constitutional theory under the superintendence, direction and the control of the Secretary of State, and the extent to which this control is relaxed or falls into desuetude will depend upon future practice, and cannot be laid down in the Statute.

Apart from the Secretary of State's authority over the Governor-General in Council, he will exercise no control over Provincial Governments, save in so far as he does so in connexion with the exercise of special powers vested in the Governor.

The functions and composition of the Council of India will be modified. Its size will be reduced, and the majority of its Members should have the qualification of more recent Indian experience than is required at present. The Council will exist primarily as an advisory body, but independent powers will continue for (1) the control of Service conditions, and (2) the control of non-votable Indian expenditure.

The Indian States

Lastly, for the purpose of promoting the closer association with British India of the Indian States in matters of common concern for India as a whole, we propose that the new Act should provide that it shall be lawful for the Crown to create a Council for Greater India, containing both representatives of the States and members representing British India. This Council would have consultative and deliberative functions in regard to a scheduled list of 'matters of common concern', together with such other subjects of common concern as the Viceroy from time to time certifies as suitable for consideration by the Council.

. . .We put forward the proposals as designed to make a beginning in the process which may lead to the Federation of Greater India.

The Indian Statutory Commission on the Ideal of Federation for all India, 27 May 1930

The ultimate Constitution of India must be federal, for it is only in a federal Constitution that units differing so widely in constitution as the Provinces and the States can be brought together while retaining internal autonomy. This is recognized in the

Montagu-Chelmsford Report : 'Granted the announcement of August 20th, we cannot at the present time envisage its complete fulfilment in any form other than that of a cotrie of self-governing Indian Provinces associated for certain purposes under a responsible Government of India ; with possibly what are now the Native States of India finally embodied in the same whole, in some relation which we will not now attempt to define.' This statement is as true today as when it was written, but opinion has, we believe, advanced considerably along these lines during the intervening period. That some of the leading Indian Princes envisage some such polity in the future is shown by the pronouncement made on 19th December, 1929, by H.H. the Maharaja of Bikaner to the Legislative Assembly of his State. 'I look forward to the day when a United India will be enjoying Dominion Status under the aegis of the King-Emperor and the Princes and States will be in the fullest enjoyment of what is their due—as a solid federal body in a position of absolute equality with the federal Provinces of British India.' However distant that day may be, we desire in our proposals to do nothing to hinder but everything to help its arrival, for already there are emerging problems that can only be settled satisfactorily by co-operation between British India and the States.

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Whatever may be the ultimate decision, it seems to us that the reorganization of British India on a federal basis will prepare the way for it.

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The Completion of Devolution

The authors of the Montagu-Chelmsford Report stated that the process on which they were engaged was not that of federalizing India, but the antecedent one of breaking up the old structure before building the new. They were giving independent life to the organisms which would in future form the members of the new body. We desire to complete this preliminary process and at the same time to lay down the broad lines of the future federation. The scheme we recommend completes the process of devolution. It aims at giving the maximum of provincial autonomy consistent with the common interest of India as a whole. This means the abolition of Dyarchy, for it was of the essence of this system that, while certain departments were transferred to the control of Ministers, the Reserved side of the administration was still carried on under the superintendence, direction and control of the Central Government. Devolution was, therefore, incomplete. It is our intention that in future each Province should be as far as possible mistress in her own

house. Thus independent life will be given to the Provinces which will form the nucleus of the new federal structure.

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Reconstitution of the Central Legislature

If the ideal to be aimed at is a federation to which the Indian States will one day adhere, the process of evolution in British India towards provincial autonomy in matters of internal government must be thoroughly carried out. The union constituents such as the Indian States with the Provinces of India, the former autocratic and the latter democratic, necessarily involves giving the greatest possible internal freedom to the federal units. It is, we think, abundantly clear that it is only on such terms that there could be hope of achieving the unity of Greater India. The Central Government becomes on such a theory an association of units formed mainly for the purpose of performing certain functions on behalf of all. But while we conceive of the central body of the federation more as an instrument for doing certain work in the common interests of all its members than as an overriding power, provincial autonomy does not mean that the Central Government would not be entitled to call for assistance and co-operation in matters vital to the whole. Those who desire to secure the end of federation must be willing to contemplate the means by which it may be brought about. And the only means which are practicable involve a substantial change in the present constitution of the Central Legislature. It appears to us that this body must be composed henceforward on a strictly federal basis, that is to say, it should be the units of ultimate federation rather than popular constituencies that should be represented in it. Direct election to the Central Legislature . . . involves constituencies of such size as make it impossible to secure reality of representation. Our examination of the problems of public finance in India, and the Report made to us by our Financial Assessor, lead us to propose a scheme which will enable the Provinces to secure much needed additional revenue, by methods which require that the Provinces should feel themselves to be represented at the Centre. Various arguments, therefore, converge in support of the view that reconstruction at the Centre should not closely follow the lines already pursued. All that it is necessary to emphasize here is that the new constitution which we propose for the Central Government is something differing from Parliament, and cannot, therefore, be judged on the assumptions that might be made in considering the needs of a unitary state.

The Road to Federation

Now how much of the ultimate object in view can be expressed in statutory form at the present time? The conception of

the evolution of India into a federation of self-governing units has certain important effects on the degree to which changes in the structure of the Central Government can be made now. We have already indicated the need for a reconsideration of the boundaries of the present Provinces, and we have expressed our hopes that at some future time the Indian States may adhere to an All-India Federation. We are, therefore, faced with the situation that we are trying to federate elements, some of which have not been finally delimited, while others have yet to express their willingness to enter. But even if we were to ignore the Indian States and were to rest content with the Provinces as at present constituted, the necessary conditions for bringing a fully federal Constitution into being are not yet present. The Provinces must first become political entities. Even when our proposals for the constitution of the Governors' Provinces have been embodied in a Statute, the process is not completed. The Provincial Constitution only begins to exist as a living thing when the forces which operate it are at work and provincial opinion gives it inspiration and direction.

Every federal union means the coming together of constituent elements which while preserving their identities, look to the Centre to deal with matters common to all. Thus the nature of the constituents themselves has a great influence on the form which the federation takes. It is a difficult task to combine the process of devolution with that of integration on a new basis.

Experience shows that federation has generally come about some time after the federating units have become politically self-conscious. In Australia and South Africa, for example, unity at a common centre was only brought about a substantial time after each of the constituent units, or at any rate most of them, had achieved self-government. The same thing is, in substance, true about Dominion of Canada. The very name of the United States illustrates the same sequence. India, which presents so many complications on other grounds is also unique in this that a Central Government is being evolved at the same time as the Provinces are growing to their full stature. But this does not alter the significance of the lesson to be learnt from these other instances.

Thus an attempt to devise now a detailed and final Constitution for the Centre would be to ignore the fact that its ultimate form must depend on the action of its constituent parts. We can but provide the conditions for its future realization.

The Indian Statutory Commission on the Establishment of the Council of Greater India, 27 May 1930

Federations come about only when the units to be federated are ready for the process, and we are far from supposing that the Federation of Greater India can be artificially hastened, or that, when it comes, it will spring into being at a bound. The practical question is whether at the present stage there are any definite but modest steps which might be taken by way of tentative advance. The creation of the Chamber of Princes...was designed to put an end to the period when the Crown was only able to consult each State separately and individually. Notwithstanding that some of the most important States have held aloof from the Chamber, it has provided a valuable means for joint consultation with the others. While making due allowance for the limited functions of that body, we believe that its existence during the past nine years, and especially the work of its Standing Committee, have prepared the way for some further advance. But the Chamber is not in itself a federal organ, for it is exclusively concerned with Indian problems looked at from the side of the Indian States. Its only contact with British India is through its President, the Viceroy, and the Viceroy in this connexion is the representative of the British Crown rather than the head of the Indian Government. What is now needed is some organ, however rudimentary, which will for some purposes, however limited, address itself to the treatment of matters which are of commen concern to the whole of Greater India, not from the side of the Indian States alone, nor solely from the side of British India, but from both. Even if the new step is a very small one, it would be of profound significance, should it satisfy this condition. We hope that it may be found possible to make a beginning, and we have three concrete proposals to put forward.

Three Concrete Proposals

First, we should like to see a serious and business-like effort now made to draw up a list of those 'matters of common concern', which are so often referred to, but have seldom been defined, save by the use of one or two obvious illustrations. The making of such a list, in consultation and by agreement, would in itself do apply strict tests to a conception which cannot be exhaustive, but we are going to propose a method by which further topics could be added to it under suitable safeguards from time to time. Secondly, we should like to see included in the Preamble to any new Government of India Act a recital which would put on record the desire to develop that closer association between the Indian States and British India which is the motive force behind all discussions of an eventual Federal

Union. It would, of course, be absolutely necessary to make plain in the Preamble (what is at all times acknowledged and understood) that any such association can only come about if and so far as the Indian States desire that it should. And thirdly, we wish to suggest that steps should be taken now to devise the creation and setting up of a standing consultative body containing representatives both from British India and the Indian States, with powers of discussion and of reaching and recording deliberative results on the topics falling within the list of matters of common concern. It is clear that the machinery for joint consultation must precede anything in the nature of executive or legislative action on federal lines. The Butler Committee, in the second part of its Report, has recommended the setting up of special tribunals for adjusting a number of important matters which affect the Indian States and British India alike. We are not seeking for a moment to go over ground which that Committee has covered; but the question is whether the time may not have arrived to set up some permanent machinery of consultation.

The Preamble and the List of Matters of Common Concern

The details of this sketch may be filled in by other hands in various ways. In order that what we have in mind may be more clearly apprehended, we propose in this paragraph to develop with more precision, though only as a possible illustration, our ideas of what might be attempted. The Preamble of which we have spoken might contain a recital to the effect that it is desirable to make provision whereby such Indian States as so desire may be associated with British India in the consideration of matters of common concern between the Indian States and British India. The operative clause of the Act might provide that it should be lawful for the Crown to create by proclamation a Council for Greater India for the purpose of consulting on matters of common concern to British India and the Indian States. There would be a specific provision inserted that it was beyond the competence of the Council for Greater India to call in question or to discuss (*a*) the internal administration of an Indian State, or of British India, or of any part of it; and (*b*) the existence and exercise by the British Crown of its functions as paramount Power. Matters of common concern would be listed in a schedule to the Act. The Council would consist of, say, 30 members, of which 10 would be representatives of the States. The majority of the States' representatives would be nominated by the Chamber of Princes; the Viceroy might complete the list by invitation, so as to provide for the representation of those Indian States which do not form part of the Chamber. On the side of British India some of the members would be drawn from the Central Legislature by the use

of the transferable vote ; others would be nominated by the Viceroy. The Political Secretary would be a member *ex-officio*. The Council would be presided over by the Viceroy, or in his absence by one of a Committee of four Vice-Presidents, two from the States' side and two out of the contingent from British India. This Committee would assist the President to decide the agenda for meetings of the Council. There would be a Registrar at the head of any necessary secretariat. The various members of the Council would be chosen for a period of say, five years ; for the effective working of the Council and the creation of a tradition as to the parts it plays cannot be secured if its personnel is constantly changing. As regards the scheduled list of matters of common concern, we think that the best plan would be to mention certain topics specifically, and to add at the end of this specific list the phrase 'together with such other subjects of common concern as the Viceroy from time to time certifies as suitable for consideration by the Council'. This provides a power of expansion, and at the same time keeps the list of matters dealt with under proper control. The specific list might include :

(1) The Customs tariff of British India.
(2) The Salt tax.
(3) Any other form of central taxation affecting the Indian States.
(4) Railway policy.
(5) Air communications.
(6) Trunk roads.
(7) Posts and telegraphs.
(8) Wireless.
(9) Currency and coinage.
(10) Commerce, banking, and insurance, so far as the matters raised affect both the States and British India.
(11) Opium policy.
(12) Indians overseas.
(13) Matters arising in connexion with India's membership of and participation in, the League of Nations.

The Council for Greater India

We are well aware that what we have written raises many questions on which there may be points of difficulty and controversy. We do not claim to have worked out every detail. Our object is to present a plan which is sufficiently definite to be the subject of discussion, elaboration and amendment ; and for this purpose we proceed to give some description of how in actual working such a Council might function. Its discussions would in some cases be in the nature of general debates, and in other cases would refer to concrete pro-

posals. The Council would provide an opportunity for taking the Indian States into consultation about changes in the tariff. Even if contemplated changes could not be disclosed before the Finance Member of the Government of India announces, in presenting his Finance Bill, that they are contemplated, it would still be possible for the Council to meet and discuss the changes proposed before any changes are made. It might request the Viceroy, as its President, to invite the Finance Member to attend the Council and give a further exposition of his plans. The views of the Financial Adviser of an important State might by a similar process be laid before it, even though he is not a member of the Council. The views formed by the Council would be recorded in a Report, which would include the record of any dissenting Minority, and this report should be furnished to the Central Legislature as well as to the Chamber of Princes. We are far from thinking that division of opinion would always follow the line that separates British India from the States. On the contrary, we believe that it will be found that there will be occasions when common interest and sympathy will cut across these lines. We think that some machinery might be devised by which, at any rate in important cases, these views might be expounded to the Central Legislature and to the Chamber of Princes, much in the way in which a *Rapporteur* acts at the League of Nations. A similar course might be followed with regard to other specific proposals which are before the Central Legislature, whether as Government measures or as Private Bills, in so far as they deal with topics mentioned in schedule of matters of common concern. It may well be, however, that an even more important part of the work of the Council would be concerned with questions of general policy falling within the schedule of matters of common concern. There will be cases where the Council would appoint a Committee of its own body to sit with a Committee of the Central Legislature for discussing some of these general matters in considerable detail. There will be other cases in which the Council would appoint a Committee of its own body for investigating and reporting upon some aspect of the matters within its ambit. There should be a power to add experts for this purpose. The provision suggested above by which the Viceroy might add other matters of common concern to the list of specific subjects would enable an investigation to be undertaken by a Committee of the Council of the further steps which might hereafter be taken in developing federal relations.

The whole scheme for the Council, as we conceive it, is designed to make a beginning in the process which may one day lead to Indian Federation. What we are proposing is merely a throwing a

gap of the first strands which may in time mark the line of a solid and enduring bridge and we feel convinced that the process must begin in organized consultation between the States and British India, both because such consultation is urgently needed in the interests of both, and because it will assuredly foster the sense of need for further developments, and bring more nearly within the range of realization other steps which are as yet too distant and too dim to be entered upon and described.

"In the opinion of this Congress the time has now arrived for the ruling princes of India to grant responsible government to their people and to enact laws or issue proclamations safeguarding the elementary and fundamental rights of the people such as freedom of movement, freedom of speech, freedom to hold public meetings and security of person and property."

44 : 1930 : Lahore : VII.

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*Statement of Policy by Mr. Ramsay MacDonald, Prime Minister, on behalf of His Majesty's Government at the Conclusion of the First Session of the Indian Round Table Conference, 19 January 1931**

The view of His Majesty's Government is that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by Minorities to protect their political liberties and rights.

In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the Reserved powers are so framed and exercised as not to prejudice the advance of India through the new Constitution to full responsibility for her own government.

His Majesty's Government, whilst making this declaratian, is aware that some of the conditions which are essential to the working of such a Constitution as is contemplated, have not been finally settled, but it believes that as the result of the work done here, they have been brought to a point which encourages the hope that further negotiations, after this declaration, will be successful.

**The Indian Round Table Conference (First Session), Proceedings*, pp. 505-8.

Also in

Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. I, pp. 229-240.

His Majesty's Government has taken note of the fact that the deliberations of the Conference have proceeded on the basis, accepted by all parties, that the Central Government should be a federation of all-India, embracing both the Indian States and British India in a bi-cameral Legislature. The precise form and structure of the new Federal Government must be determined after further discussion with the Princes and representatives of British India. The range of subjects to be committed to it will also require further discussion, because the Federal Government will have authority only in such matters concerning the States as will be ceded by their Rulers in agreements made by them on entering into federation. The connexion of the States with the Federation will remain subject to the basic principle that in regard to all matters not ceded by them to the Federation their relations will be with the Crown acting through the agency of the Viceroy.

With a Legislature constituted on a federal basis, His Majesty's Government will be prepared to recognize the principle of the responsibility of the Executive to the Legislature.

Under existing conditions the subjects of Defence and External Affairs will be reserved to the Governor-General, and arrangements will be made to place in his hands the powers necessary for the administration of those subjects. Moreover, as the Governor-General must, as a last resort, be able in an emergency to maintain the tranquillity of the State, and must similarly be responsible for the observance of the constitutional rights of Minorities, he must be granted the necessary powers for these purposes.

As regards Finance, the transfer of financial responsibility must necessarily be subject to such conditions as will ensure the fulfilment of the obligations incurred under the authority of the Secretary of State and the maintenance unimpaired of the financial stability and credit of India. The Report of the Federal Structure Sub-Committee indicates some ways of dealing with this subject including a Reserve Bank, the service of loans, and Exchange policy, which, in the view of His Majesty's Government, will have to be provided for somehow in the new Constitution. It is of vital interest to all parties in India to accept these provisions, to maintain financial confidence. Subject to these provisions the Indian Government would have full financial responsibility for the methods of raising revenue and for the control of expenditure on non-Reserved Services.

This will mean that under existing conditions the Central Legislature and Executive will have some features of dualism which will have to be fitted into the constitutional structure.

The provision of reserved powers is necessary in the circumstances and some such reservation has indeed been incidental to the development of most free constitutions. But every care must be taken to prevent conditions arising which will necessitate their use. It is, for instance, undesirable that Ministers should trust to the special powers of the Governor-General as a means of avoiding responsibilities which are properly their own, thus defeating the development of responsible government by bringing into use powers meant to lie in reserve and in the background. Let there be no mistake about that.

The Governors' Provinces will be constituted on a basis of full responsibility. Their Ministries will be taken from the Legislature and will be jointly responsible to it. The range of Provincial subjects will be so defined as to give them the greatest possible measure of self-government. The authority of the Federal Government will be limited to provisions required to secure its administration of Federal subjects, and so discharge its responsibility for subjects defined in the constitution as of all-India concern.

There will be reserved to the Governor only that minimum of special powers which is required in order to secure, in exceptional circumstances, the preservation of tranquillity, and to guarantee the maintenance of rights provided by Statute for the Public Services and Minorities.

Finally, His Majesty's Government considers that the institution in the Provinces of responsible government requires both that the Legislatures should be enlarged, and that they should be based on a more liberal franchise.

In framing the Constitution His Majesty's Government considers that it will be its duty to insert provisions guaranteeing to the various Minorities, in addition to political representation, that differences of religion, race, sect or caste, shall not themselves constitute civic disabilities.

In the opinion of His Majesty's Government it is the duty of the communities to come to an agreement amongst themselves on the points raised by the Minorities Sub-Committee but not settled there. During the continuing negotiations such an agreement ought to be reached and the Government will continue to render what good offices it can to help to secure that end, as it is anxious not only that no delay should take place in putting the new Constitution into operation, but that it should start with the goodwill and confidence of all the communities concerned.

The various Sub-Committees which have been studying the more important principles of a Constitution which would meet Indian

conditions have surveyed a considerable part of the structure in detail and the still unsettled points have been advanced a good way to an agreement. His Majesty's Government, however, in view of the character of the Conference and of the limited time at its disposal in London, has deemed it advisable to suspend its work at this point, so that Indian opinion may be consulted upon the work done, and expedients considered for overcoming the difficulties which have been raised. His Majesty's Governmen will consider, without delay, a plan by which our co-operation may be continued so that the results of our completed work may be seen in a new Indian Constitution. If, in the meantime, there is a response to the Viceroy's appeal from those engaged at present in Civil Disobedience, and others wish to co-operate on the general lines of this declaration, steps will be taken to enlist their services.

The Gandhi-Irwin Agreement, 5 March 1931

1. Consequent on the conversations that have taken place between His Excellency the Viceroy and Mr. Gandhi it has been arranged that the Civil Disobedience Movement be discontinued, and that with the approval of His Majesty's Government, certain action be taken by the Government of India and Local Governments.

2. As regards constitutional questions, the scope of future discussion is stated, with the assent of His Majesty's Government, to be with the object of considering further the scheme for the constitutional Government of India discussed at the Round Table Conference. Of the scheme there outlined, federation is an essential part ; so also are Indian responsibility and reservations or safeguards in the interests of India, for such matters as, for instance, defence, external affairs ; the position of Minorities ; the financial credit of India, and the discharge of obligations.

3. In pursuance of the settlement made by the Prime Minister in his announcement of January 19, 1931, steps will be taken for the participation of the representatives of the Congress in the future discussions that are to take place on the scheme of constitutional reform.

Resolution of the All-India Congress Committee on the Gandhi-Irwin Agreement, 27-8 March 1931

This Congress, having considered the provisional settlement between the Working Committee and the Government of India, endorses it, and desires to make it clear that the Congress goal of *Purna Swaraj* (Complete Independence) remains intact. In the event of the way being otherwise open to the Congress to be represented at any conference with the representatives of the British Government,

the Congress delegation will work for this objective and, in particular, so as to give the nation control over the defence forces, external affairs, finance and fiscal and economic policy, and to have a scrutiny, by an impartial tribunal, of the financial transactions of the British Government in India and to examine and assess the obligations to be undertaken by India or England, and the right to either party to end the partnership at will ; provided, however, that the Congress delegation will be free to accept such adjustments as may be demonstrably necessary in the interest of India.

The Congress appoints and authorizes Mahatma Gandhi to represent it at the Conference with the addition of such other delegates as the Working Committee may appoint to act under his leadership.

Speech by Gandhiji at the second plenary meeting of the second Session of the Indian Round Table Conference
30 November 1931

Congress claim to represent the Masses

.....I would first of all say a few words in connexion with the Reports that have been submitted to this Conference. You will find in these Reports that generally it has been stated that so and so is opinion of a large majority, some, however, have expressed an opinion to the contrary, and so on. Parties who have dissented have not been stated. I had heard when I was in India, and I was told when I came here, that no decision or no decisions will be taken by the ordinary rule of majority, and I do not want to mention this fact here by way of complaint that the Reports have been so framed as if the proceedings were governed by the test of majority. But it was necessary for me to mention this fact, because in most of these Reports you will find that there is a dissenting opinion, and in most of the cases that dissent unfortunately happens to belong to me. It was not a matter of joy to have to dissent from fellow-delegates, but I felt that I could not truly represent the Congress unless I notified that dissent.

There is another thing that I want to bring to the notice of this Conference, namely : what is the meaning of the dissent of the Congress ? I said at one of the preliminary meetings of the Federal Structure Committee that the Congress claimed to represent over 85 per cent of the population of India, that is to say the dumb, toiling, semi-starved millions. But I went further : that the Congress claimed also by right of service to represent even the Princes, if they would pardon my putting forth that claim, and the landed gentry, the educated class. I wish to repeat that claim and I wish this evening to emphasize that claim.

All the other parties at this meeting represent sectional interests. Congress alone claims to represent the whole of India, all interests. It is no communal organization ; it is a determined enemy of communalism in any shape or form. Congress knows no distinction of race, colour or creed ; its platform is universal. It may not always have lived up to the creed. I do not know a single human organization that lives up to its creed. Congress has failed very often to my knowledge. It may have failed more often to the knowledge of its critics. But the worst critic will have to recognize, as it has been recognized, that the National Congress of India is a daily-growing organization, that its message penetrates the remotest village of India ; that on given occasions the Congress has been able to demonstrate its influence over and among these masses who inhabit 700,000 villages.

And yet here I see that the Congress is treated as one of the parties. I do not mind it ; I do not regard it as a calamity for the Congress ; but I do regard it as a calamity for the purpose of doing the work for which we hove gathered together here. I wish I could convince all the British public men, the British Ministers, that the Congress is capable of delivering the goods. The Congress is the only all-India-wide national organization, bereft of any communal basis ; that it does represent all the Minorities which have lodged their claim here and which, or the signatories on their behalf, claim—I hold unjustifiably—to represent 46 per cent of the population of India. The Congress, I say, claims to represent all these Minorities.

What a great difference it would be today if this claim on behalf of the Congress was recognized. I feel that I have to state this claim with some degree of emphasis on behalf of peace, for the sake of achieving the purpose which is common to all of us, to you Englishmen who sit at this table, and to us the Indian men and women who also sit at this table. I say so for this reason. Congress is a powerful organization ; Congress is an organization which has been accused of running or desiring to run a parallel Government ; and in a way I have endorsed the charge. If you could understand the working of the Congress, you would welcome an organization which could run a parallel Government and show that it is possible for an organization, voluntary, without any force at its command, to run the machinery of Government even under adverse circumstances. But no. Although you have invited the Congress, you distrust the Congress. Although you have invited the Congress, you reject its claim to represent the whole of India. Of course it is possible at this end of the world to dispute that claim, and it is

not possible for me to prove this claim ; but, all the same, if you find me asserting that claim, I do so because a tremendous responsibility rests upon my shoulders.

* * * *

Safeguards

I do not want to break the bond between England and India, but I do want to transform that bond. I want to transform that slavery into complete freedom for my country. Call it Complete Independence or whatever you like, I will not quarrel about that word, and even though my countrymen may dispute with me for having taken some other word I shall be able to bear down that opposition so long as the content of the word that you may suggest to me bears the same meaning. Hence I have times without number to urge upon your attention that the safeguards that have been suggested are completely unsatisfactory. They are not in the interests of India.

Three experts from the Federation of Commerce and Industry have in their own manner, each in his different manner, told you out of their expert experience how utterly impossible it is for any body of responsible Ministers to tackle the problem of administration when 80 per cent of India's resources are mortgaged irretrievably. Better than I could have shown to you they have shown, out of the amplitude of their knowledge, what these financial safeguards mean for India. They mean the complete cramping of India. They have discussed at this table financial safeguards, but that includes necessarily the question of Defence and the question of the army. Yet while I say that the safeguards are unsatisfactory as they have been presented, I have not hesitated to say, and I do not hesitate to repeat, that the Congress is pledged to giving safeguards, endorsing safeguards which may be demonstrated to be in the interests of India.

At one of the sittings of the Federal Structure Committee I had no hesitation in amplifying the admission and saying that these safeguards must be also of benefit to Great Britain. I do not want safeguards which are merely beneficial to India and prejudicial to the real interests of Great Britain. The fancied interests of India will have to be sacrificed The fancied interests of Great Britain will have to be sacrificed. The illegitimate interests of India will have to be sacrificed. The illegitimate interests of Great Britain will also have to be sacrificed.

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Hindu-Mussulman Problem

I urge you then to read that writing on the wall. I ask you not to try the patience of a people known to be proverbially patient. We speak of the mild Hindu, and the Mussulman also by contact, good or evil, with the Hindu, has himself become mild. And that mention of the Mussulman brings me to the baffling problem of Minorities. Believe me, that problem exists here, and I repeat what I used to say in India—I have not forgotten those words—that without the problem of Minorities being solved there is no Swaraj for India, there is no freedom of India. I know that ; I realize it ; and yet I came here in the hope, perchance, that I might be able to pull through a solution here. But I do not despair of some day or other finding a real and living solution in connexion with the Minorities problem. I repeat what I have said elsewhere, that so long as the wedge in the shape of foreign rule divides community from community and class from class, there will be no real living solution, there will be no living friendship between these communities. It will be after all and at best a paper solution. But immediately you withdraw that wedge, the domestic ties, the domestic affections, the knowledge of common birth—do you suppose that all these will count for nothing ?

Were Hindus and Mussulmans and Sikhs always at war with one another when there was no British rule, when there was no English face seen there ? We have chapter and verse given to us by Hindu historians and by Mussulman historians to say that we were living in comparative peace even then. And Hindus and Mussulmans in the villages are not even today quarrelling. In those days they were not known to quarrel at all. The late Maulana Muhammad Ali often used to tell me, and he was himself a bit of an historian, he said, 'If God—'Allah', as he called God—'gives me life, I propose to write the history of Mussulman rule in India ; and then I will show through documents that British people have erred, that Aurangzeb was not to so vile as he has been painted by the British historian ; that the Moghul rule was not so bad as it has been shown to us in British history' ; and so on. And so have Hindu historians written. This quarrel is not old ; this quarrel is coeval with this acute shame. I dare to say it is coeval with the British advent, and immediately this relationship, the unfortunate, artificial, unnatural relationship between Great Britain and India is transformed into a natural relationship, when it becomes, if it does become, a voluntary partnership to be given up, to be dissolved at the will of either party, when it becomes that you will find that

Hindus, Mussulmans, Sikhs, Europeans, Anglo-Indians, Christians, Untouchables, will all live together as one man.

The Princes

I want to say one word about the Princes, and I shall have done. I have not said much about the Princes, nor do I intend to say much tonight about the Princes, but I should be wronging them, and I should be wronging the Congress if I did not register my claim, not with the Round Table Conference, but with the Princes. It is open to the Princes to give their terms on which they will join the Federation. I have appealed to them to make the path easy for those who inhabit the other part of India, and therefore I can only make these suggestions for their favourable consideration, for their earnest consideration. I think that if they accepted, no matter what they are, but some fundamental rights as the common property of all India, and if they accepted that position and allowed those rights to be tested by the Court, which will be again of their own creation, and if they introduced elements—only elements—of representation on behalf of their subjects, I think that they would have gone a long way to conciliate their subjects. They would have gone a long way to show to the world and to show to the whole of India that they are also fired with a democratic spirit, that they do not want to remain undiluted autocrats, but that they want to become constitutional monarchs even as King George of Great Britain is.

Statement by Mr. Ramsay MacDonald, Prime Minister, at the final plenary Session of the second Session of the Indian Round Table Conference, 1 December 1931

At the beginning of the year I made a declaration of the policy of the then Government, and I am authorized by the present one to give you and India a specific assurance that it remains their policy....

* * * *

In particular, they desire to reaffirm their belief in an all-India Federation as offering the only hopeful solution of India's constitutional problem. They intend to pursue this plan unswervingly and to do their utmost to surmount the difficulties which now stand in the way of its realization. In order to give this declaration the fullest authority, the statement which I am now making to you will be circulated today as a White Paper to both Houses of Parliament, and the Government will ask Parliament to approve it this week.

The discussions which have been proceeding during the past two months have been of value in showing us more precisely the problems]

we have to solve, and have advanced us towards the solution of some of them. But they have also made it plain that others still require further examination and co-operative consideration. There is still difference of opinion, for instance as to the composition and powers of the Federal Legislature, and I regret that owing to the absence of a settlement of the key question of how to safeguard the Minorities under a responsible Central Government, the Conference has been unable to discuss effectively the nature of the Federal Executive and its relationship with the Legislature. Again, it has not yet been possible for the States to settle amongst themselves their place in the Federation and their mutual relationships within it. Our common purpose will not be advanced by ignoring these facts, nor by assuming that the difficulties they present will somehow solve themselves. Further thought, discussion and reconciliation of different interests and points of view are still required before we can translate broad general aims into the detailed machinery of a workable constitution.....

What then is the general position in which we find ourselves as regards a practical programme for the advancement of our common aims ?.....

The great idea of All-India Federation still holds the field. The principle of a responsible Federal Government, subject to certain reservations and safeguards through a transition period, remains unchanged. And we are all agreed that the Governors' Provinces of the future are to be responsibly governed units, enjoying the greatest possible measure of freedom from outside interference and dictation in carrying out their own policies in their own sphere.

I should explain at once in connexion with that last point that we contemplate as one feature of the new order that the North-West Frontier Province should be constituted a Governor's Province, of the same status as other Governors' Provinces, but with due regard to the necessary requirements of the Frontier, and that, as in all other Governors' Provinces, the powers entrusted to the Governor to safeguard the safety and tranquillity of the Province shall be real and effective.

His Majesty's Government also accept in principle the proposition which was endorsed at the last Conference that Sind should be constituted a separate Province, if satisfactory means of financing it can be found. We, therefore, intend to ask the Government of India to arrange for a Conference with representatives of Sind for the purpose of trying to overcome the difficulties disclosed by the report of the expert financial investigation which has just been completed.

But I have digressed from the question of a programme in the light of the accepted factors—Federation as the aim and self-governing Provinces and the Indian States as its basis. As I have said, our discussions have made it clear to all of us that Federation cannot be achieved in a month or two. There is a mass of difficult constructive work still to be done, and there are important agreements to be sought by which the structure must be shaped and cemented. It is equally plain that the framing of a scheme of responsible government for the Provinces would be a simpler task which could be more speedily accomplished. The adjustments and modifications of the powers now exercised by the Central Government which would obviously have to be made in order to give real self-government to the Provinces should raise no insuperable difficulties. It has, therefore, been pressed upon the Government that the surest and speediest route to Federation would be to get these measures in train forthwith, and not to delay the assumption of full responsibility by the Provinces a day longer than is necessary. But it is clear that a partial advance does not commend itself to you. You have indicated your desire that no change should be made in the Constitution which is not effected by one all-embracing Statute covering the whole field, and His Majesty's Government have no intention of urging a responsibility which, for whatever reasons, is considered at the moment premature or ill-advised. It may be that opinion and circumstances will change, and it is not necessary here and now to take any irrevocable decision. We intend, and have always intended, to press on with all possible despatch with the Federal plan. It would clearly be indefensible, however, to allow the present decision to stand in the way of the earliest possible constitutional advance in the North-West Frontier Province. We intend, therefore, to take the necessary steps as soon as may be to apply to the North-West Frontier Province, until the new constitutions are established, the provisions of the present Act relating to Governors' Provinces.

We must all, however, realize that there stands in the way of progress, whether for the Provinces or the Centre, that formidable obstacle, the communal deadlock. I have never concealed from you my conviction that this is above all others a problem for you to settle by agreement amongst yourselves. The first of the privileges and burdens of a self-governing people is to agree how the democratic principle of representation is to be applied—or, in other words, who are to be represented and how it is to be done. This Conference has twice essayed this task; twice it has failed. I cannot believe that you will demand that we shall accept these failures as final and conclusive.

But time presses. We shall soon find that our endeavours to proceed with our plans are held up (indeed they have been held up already) if you cannot present us with a settlement acceptable to all parties as the foundations upon which to build. In that event His Majesty's Government would be compelled to apply a provisional scheme, for they are determined that even this disability shall not be permitted to be a bar to progress. This would mean that His Majesty's Government would have to settle for you, not only your problems of representation, but also to decide as wisely and justly as possible what checks and balances the Constitution is to contain to protect Minorities from an unrestricted and tyrannical use of the democratic principle expressing itself solely through majority power. I desire to warn you that if the Government have to supply even temporarily this part of your Constitution which you are unable to supply for yourselves, and though it will be our care to provide the most ample safeguards for Minorities so that none of them need feel that they have been neglected, it will not be a satisfactory way of dealing with this problem. Let me also warn you that if you cannot come to an agreement on this amongst yourselves, it will add considerably to the difficulties of any Government here which shares our views of an Indian Constitution, and it will detract from the place which that Constitution will occupy amongst those of other nations. I therefore beg of you once more to take further opportunities to meet together and present us with an agreement.

We intend to go ahead. We have now brought our business down to specific problems which require close and intimate consideration, first of all by bodies which are really committees and not unwieldy conferences, and we must now set up machinery to do this kind of work. As that is being done and conclusions presented, we must be able to continue consultations with you. I propose, therefore, with your consent, to nominate in due course a small representative Committee—a Working Committee—of this Conference which will remain in being in India, with which, through the Viceroy, we can keep in effective touch. I cannot here and now specify precisely how this Committee can best be employed. This is a matter which must be worked out and must to some extent depend on the reports of the Committees we propose to set up. But in the end, we shall have to meet again for a final review of the whole scheme.

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I have already alluded to another matter to which you have given ample evidence that you attach great importance, and to which you will expect me to refer. A decision of the communal problem which provides only for representation of the communities in the

Legislatures is not enough to secure what I may call 'natural rights'. When such provisions have been made, Minorities will still remain Minorities, and the Constitution must therefore contain provisions which will give all creeds and classes a due sense of security that the principle of Majority Government is not to be employed to their moral or material disadvantage in the body politic. The Government cannot undertake here and now to specify in detail what those provisions should be. Their form and scope will need the most anxious and careful consideration with a view to ensuring on the one hand that they are reasonably adequate for their purpose, and on the other that they do not encroach, to an extent which amounts to stultification, upon the principles of representative responsible Government. In this matter the Committee of Consultation should play an important part for, here also, just as in regard to the method and proportions of electoral representation, it is vital to the success of the new Constitution that it should be framed on a basis of mutual agreement.

Statement by His Excellency the Viceroy, Lord Irwin, regarding the setting up of a Joint Select Committee of Parliament before the Introduction of the Government of India Bill, 27 June 1932

Since the policy of His Majesty's Government as announced to the Round Table Conference was endorsed by Parliament, the primary concern of His Majesty's Government has been so to lay their plans as to facilitate its transmission into legislative results with the utmost possible dispatch. The first immediate steps required to supplement the discussions of the Conference were inquiries of the three Committees which have lately returned from India. The reports of two of these Committees are now in the hands of His Majesty's Government and as they hope shortly to receive that of the third, they are in a position to indicate the methods by which they intend to make further progress.

In the first place, His Majesty's Government have definitely decided to endeavour to give effect to their policy by means of a single Bill which will provide alike for autonomous Constitutions in the Provinces and States. They intend that this measure shall contain provisions for enabling Provincial Constitutions to be introduced without necessarily awaiting the completion of all the steps required for the actual inauguration of the Federation. Since it is an essential feature of His Majesty's Government's policy that Federation, which it will be the object of the Bill to construct, shall be a Federation of all Inida, it follows that the Units concerned must be prepared actually to federate and that proposals to be laid before Parliament to this end must be complete in all essentials. In parti-

cular, there must be reasonable assurance forthcoming at the time the Bill is introduced that the financial and other provisions for cementing of the structure will enable the Provinces, States, the Federal Government and Parliament alike adequately and harmoniously to fulfil their several functions and that interests which require to be safeguarded shall be assured of practical and efficient protection. But it is their intention so far as it lies within their power to spare no efforts to secure the fulfilment of these conditions and to this end they will continue to prosecute their endeavours to find means as speedily as possible for surmounting obstacles which a study of concrete details necessarily discloses.

His Majesty's Government have carefully considered the procedure by which they can, on the one hand, most expeditiously and efficiently overcome these obstacles and on the other hand retain the advantage of consultation and co-operation with Indian opinion which the Round Table Conference was designed to secure. After carefully considering the present position, they are convinced that matters have now reached a stage at which the settlement of urgent and important questions that still remain to be decided will only be delayed by the formal sessions of large bodies such as the Round Table Conference or Committees such as the Federal Structure Committee. They have come to the conclusion that the expeditious treatment of outstanding questions will best be secured by following a programme which, though it involves some variation in method, will secure to the full the collaboration which has been the underlying principle of the work accomplished hitherto.

In the first place they will take the next immediate step towards the removal of obstacles and will announce the decision which they have undertaken to give on those aspects of the communal problem which now retard progress. They are now engaged in the settlement of actual terms of the decision and unless unforeseen difficulties intervene they hope they will be able to announce it some time during the present summer.

Secondly, on the assumption that communal decision removes obstacles which have been impeding progress they trust that as soon as their decisions have been announced, the Consultative Committee will reassemble and will proceed continuously with its programme of work bringing its collective advice to bear on numerous and important questions entrusted to it, many of which were not examined by the Conference or its Committees in London. Subject to discussion in the Consultative Committee of matters which affect both British India and Indian States, His Majesty's Government are considering the means by which solutions may be facilitated and expedited of

those difficulties which confront them in connexion with matters affecting the States alone. His Majesty's Government greatly hope that such progress may result from the Consultative Committee discussions. There may be found remaining over from its final session only a few specific problems—for example, financial safeguards of such nature that they might appropriately be the subject of informal discussions in London with a few individuals whose personal experiences qualify them to speak with authority upon them. If this hope is fulfilled, their intention would be after such informal discussions to pass straight to Parliamentary stage on the following lines :

His Majesty's Government consider that the final stage of consultation with Indian opinion can usefully take place only on definite proposals. They, therefore, propose to invite both Houses of Parliament to set up a Joint Select Committee to consider their definite proposals for revision of the Constitution and to give the Committee power to confer with representatives of Indian opinion and it is their intention, in the belief that this course will commend itself to Indian opinion, to invite Parliament to set up the Joint Select Committee before introduction of a Bill. It has been the intention of successive Governments that a Select Joint Committee of both Houses of Parliament should be called upon at some stage to examine the proposals for constitutional reform. His Majesty's Government hope that by their present decision to recommend that this important task shall be performed before any Bill is introduced, they facilitate Indian co-operation and ensure its effective influence in what is probably the most important stage in the shaping of constitutional reforms and at a time before irrevocable decisions have been reached by Parliament.

The programme I have indicated is based on the hope that inquiry by the Joint Select Committee may follow as the next formal stage after the conclusion of the Consultative Committee's business. But it may be that the course of discussions in the Consultative Committee may prove that matters will not be ripe for formulating definite proposals for the consideration of a Joint Select Committee without further consultation of a more formal character. In that event, at the cost of delaying their programme, His Majesty's Government will make arrangements accordingly, but they would regard it as essential unless the objects they have in view are to be frustrated, that the size and the personnel of the body to be summoned for such further discussions in London should be strictly determined with reference to the number and character of the subjects found to require further discussion. By a procedure formed on these lines, His Majesty's Government hope to ensure both rapid progress towards

the objective in view and continuance of co-operation between British and Indian representatives on the one hand and between the three British parties on the other upon which so much of the success of the constitutional changes must inevitably depend.

The Joint Committee on Indian Constitutional Reform, 1934
*The Constitution of an Indian Federation**

...We have spoken of unity as perhaps the greatest gift which British rule has conferred on India ; but, in transferring so many of the powers of government to the Provinces, and in encouraging them to develop a vigorous and independent political life of their own, we have been running the inevitable risk of weakening or even destroying that unity. Provincial autonomy is, in fact, an inconceivable policy unless it is accompanied by such an adaptation of the structure of the Central Legislature as will bind these autonomous units together. In other words, the necessary consequence of Provincial Autonomy in British India is a British-India Federal Assembly. In recent discussions, the word 'federation' has become identified with the proposals for an all-India Federation and for the establishment, in the common phrase, of 'responsibility at the Centre', both of which proposals we shall have to discuss in a moment. But federation is, of course, simply the method by which a number of Governments, autonomous in their own sphere, are combined in a single State. A Federal Legislature capable of performing this function need not necessarily control the Federal Executive through responsible Ministers chosen from among its Members; indeed, as we shall show later, the Central Government of a purely British-India Federation could not, in our opinion, be appropriately framed on this model. But a Federal Legislature must be constituted on different lines from the Central Legislature of a unitary State. The Statutory Commission realized this truth and proposed a new form of Legislature at the Centre, specifically designed to secure the essential unity of British India.....

Of course, in thus converting a unitary State into a federation, we should be taking a step for which there is no exact historical precedent. Federations have commonly resulted from an agreement between independent or, at least, autonomous Governments, surrendering a defined part of their sovereignty or autonomy to a new central organism. At the present moment, the British-Indian Pro-

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* *Report of the Joint Committee on Indian Constitutional Reform* (1934), *Also in*
Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution,* 1921-47. Vol. I, pp. 270-375.

vinces are not even autonomous, for they are subject to both the administrative and the legislative control of the Government of India, and such authority as they exercise has in the main been devolved upon them under a statutory rule-making power by the Governor-General in Council. We are faced, therefore, with the necessity of creating autonomous units and combining them into a federation by one and the same act. But it is obvious that we have no alternative. To create autonomous units without any corresponding adaptation of the existing Central Legislature would be, as the Statutory Commission saw, to give full play to the powerful centrifugal forces of Provincial Autonomy without any attempt to counteract them and to ensure the continued unity of India. We obviously could not take the responsibility of recommending to Parliament a course fraught with such serious risks. If Parliament should decide to create an All-India Federation, the actual establishment of the new Central Legislature may without danger be deferred for so long as may be necessary to complete arrangements for bringing the representatives of the States into it ; but the form of that Legislature must be defined in the Constitution Act itself.

This brings us to the further proposal laid before us, that the Constitution Act should also determine the conditions upon which an All-India Federation is to be established, which includes the Indian States. This is a separate operation, which may proceed simultaneously with the introduction of Provincial Autonomy and the reconstitution of the Central Legislature, but which must be carried out by different methods and raises quite distinct issues of policy. We will have questions of method to be considered in the body of our Report, but the issues of policy must be briefly discussed here.

The Statutory Commission looked forward to the ultimate establishment of a federation of Indian States and Provinces, and they recommended that, until this ideal could be realized, policies affecting British India and the States should be discussed between the parties in a consultative, but not legislative, Council of Greater India, consisting of representatives drawn from the States and the British Indian Legislature. The Commission did not anticipate that the Princes would be willing to enter an All-India Federation without some preliminary experience of joint deliberation on matters of common concern, and no doubt the Commission saw in this procedure the means of overcoming, by a process of trial and error, the difficulties of establishing an All-India Federation. These difficulties are obvious and, again, they are quite distinct from the difficulties involved in the constitution of a British-India Federation. The main difficulties are two : that the Indian States are wholly different in

status and character from the Provinces of British India, and that they are not prepared to federate on the same terms as it is proposed to apply to Provinces. On the first point, the Indian States, unlike the British-India Provinces, possess sovereignty in various degrees and they are, broadly speaking, under a system of personal government. Their accession to a Federation cannot, therefore, take place otherwise than by the voluntary act of the Ruler of each State, and after accession the representatives of the acceding State in the Federal Legislature will be nominated by the Ruler and its subjects will continue to owe allegiance to him. On the second point, the Rulers have made it clear that, while they are willing to consider federation now with the Provinces of British India on certain terms, they could not, as sovereign States, agree to the exercise by a Federal Government in relation to them of a range of powers identical in all respects with those which that Government will exercise in relation to the Provinces on whom autonomy has yet to be conferred. We have here an obvious anomaly : a Federation composed of disparate constituent units, in which the powers and authority of the Central Government will differ as between one constituent unit and another.

Against these undoubted difficulties, we have to place one great consideration of substance, which appears to us to outweigh the disadvantages of these anomalies. The unity of India on which we have laid so much stress is dangerously imperfect so long as the Indian States have no constitutional relationship with British India. It is this fact, surely, that has influenced the Rulers of the Indian States in their recent policy. They remain perfectly free to continue, if they so choose, in the political isolation which has characterized their history since the establishment of the British connexion. But they have, it appears, become keenly conscious of the imperfections of the Indian polity as it exists today. A completely united Indian polity cannot, it is true, be established either now or, so far as human foresight can extend, at any time. In most respects, the anomalies to which we have referred are the necessary incidents, not merely of the introduction of an All-India Federation at this moment, but of its introduction at any time in the future. So far as we are aware, no section of opinion in this country or in British India is prepared to forego an All-India Federation as an ultimate aim of British policy. Certainly, the Statutory Commission was not prepared to do so, and it is the ideal indicated in their Report which has since won so much support among the Indian Princes. The question for decision is whether the measure of unity which can be achieved by an All-India Federation, imperfect though it may be, is likely to confer added strength, stability and prosperity on India as a whole—that is to say, both on the States and on British India.

To this question, there can, we think, be only one answer, an affirmative one ; and that answer does not rest only, or even chiefly, on the kind of general considerations which naturally appeal most strongly to the people of this country. From their point of view it is evident enough that Ruling Princes who in the past have been the firm friends of British rule have sometimes felt their friendship tried by decisions of the Government of India running counter to what they believed to be the interest of their States and peoples. Ruling Princes, however, as members of a Federation, may be expected to give steadfast support to a strong and stable Central Government, and to become helpful collaborators in policies which they have sometimes in the past been inclined to criticize or even obstruct. But an even stronger, and a much more concrete, argument is to be found in the existing economic condition of India.

The existing arrangements under which economic policies, vitally affecting the interests of India as a whole, have to be formulated and carried out are being daily put to an ever-increasing strain, as the economic life of India develops. For instance, any imposition of internal indirect taxation in British India involves, with few exceptions, the conclusion of agreements with a number of States for concurrent taxation within their frontiers, or, in default of such agreement, the establishment of some system of internal customs duties—an impossible alternative, even if it were not precluded by the terms of the Crown's treaties with some States. Worse than this, India may be said even to lack a general customs system uniformly applied throughout the sub-continent. On the one hand, with certain exceptions, the States are free themselves to impose internal customs policies, which cannot but obstruct the flow of trade. Even at the maritime ports situated in the States, the administration of the tariffs is imperfectly co-ordinated with that of the British-India ports, while the separate rights of the States in these respects are safeguarded by long-standing treaties or usage acknowledged by the Crown. On the other hand, tariff policies, in which every part of India is interested, are laid down by a Government of India and British-India Legislature in which no Indian State has a voice, though the States constitute only slightly less than half the area and one-fourth of the population of India. Even where the Government of India has adequate powers to impose internal indirect taxation or to control economic development, as in the cases of salt and opium, the use of those powers has caused much friction and has often left behind it, in the States, a sense of injustice. Moreover, a common company law for India, a common banking law, a common body of legislation on copyright and trade marks, a common system of communications, are alike impossible. Conditions such as these,

which have caused trouble and uneasiness in the past, are already becoming, and must in the future increasingly become, intolerable as industrial and commercial development spreads from British India to the States. On all these points the federation now contemplated would have power to adopt a common policy. That common policy would be subject, no doubt, to some reservation of special treaty rights by certain States and, in the States generally, its enforcement would in many respects rest with officers appointed by the State Rulers; but, even so modified, it would mark a long step from confusion towards order. The rights of the States to impose internal customs duties cannot be abolished, but, as we shall indicate later, moderation in the use of them can be made a condition of federation. In these times, when experience is daily proving the need for the close co-ordination of policies, we cannot believe that Parliament, while introducing a new measure of decentralization in British India would be wise to neglect the opportunity now offered to it of establishing a new centre of common action for India as a whole.

An All-India Federation thus presents solid advantages from the point of view alike of His Majesty's Government, of British India, and of the Indian States. But the attraction of the idea to the States clearly depends on the fulfilment of one condition: that, in acceding to the Federation, they should be assured of a real voice in the determination of its policy. The Princes have, therefore, stated clearly in their declaration that they are willing now to enter an all-India Federation, but only if the Federal Government is a responsible and not an irresponsible government.

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It is clear that, in any new Constitution in which autonomous Provinces are to be federally united under the Crown, not only can the Provinces no longer derive their powers and authority from devolution by the Central Government, but the Central Government cannot continue to be an agent of the Secretary of State. Both must derive their powers and authority from a direct grant by the Crown. We apprehend, therefore, that the legal basis of a reconstituted Government of India must be, first, the resumption into the hands of the Crown of all rights, authority and jurisdiction in and over the territories of British India, whether they are at present vested in the Secretary of State, the Governor-General in Council, or in the Provincial Governments and Administrations; and second, their redistribution in such manner as the Act may prescribe between the Central Government on the one hand and the Provinces on the

other. A Federation of which the British Indian Provinces are the constituent units will thereby be brought into existence.

The rights, authority and jurisdiction which will thus be conferred by the Crown on the new Central Government will not extend to any Indian State. It follows that the accession of an Indian State to the Federation cannot take place otherwise than by the voluntary act of its Ruler. The Constitution Act cannot itself make any Indian State a member of the Federation ; it will only prescribe a method whereby the State may accede and the legal consequences which will flow from the accession. There can be no question of compulsion so far as the States are concerned. Their Rulers can enter or stand aside from the Federation as they think fit. They have announced their willingness to consider federation with the Provinces of British India on certain terms ; but, whereas the powers of the new Central Government in relation to the Provinces will cover a wide field and will be identical in the case of each Province, the Princes have intimated that they are not prepared to agree to the exercise by a Federal Government for the purpose of the Federation of an identical range of powers in relation to themselves.

It is proposed that the Ruler of a State shall signify to the Crown his willingness to accede to the Federation by executing an Instrument of Accession ; and this Instrument (whatever form it may take) will, we assume, enable the powers and jurisdiction of the Ruler, in respect of those matters which he has agreed to recognize as federal subjects, to be exercised by the federal authorities brought into existence by the Constitution Act ; that is to say, the Governor-General, the Federal Legislature, and the Federal Court, but strictly within the limits defined by the Instrument of Accession. Outside these limits the autonomy of the States and their relations with the Crown will not be affected in any way by the Constitution Act. The list of exclusively federal subjects is set out in List I of Appendix VI to the White Paper, to which we have already drawn attention, and we understand the hope of His Majesty's Government to be that Rulers who accede will in general be willing to accept items 1 to 48, of List I as Federal subjects. We have indicated our view that the Lists in Appendix VI require some modification, a matter with which we deal hereafter ; and, therefore, though we speak of items 1 to 48 we do not wish to be understood as necessarily implying that we accept all these items as appropriately falling within the federal sphere, so far as regards the Indian States, or that we think that the definition of some of them is not susceptible of improvement. Subject to this, it is convenient to consider the questions which arise in connexion with the Instrument of Accession on the basis of the White

Paper proposal, with the explanations which have been given to us on behalf of His Majesty's Government.

It would, we think, be very desirable that the Instruments of Accession should in all cases be in the same form, though we recognize that the list of subjects accepted by the Ruler as Federal may not be identical in case of every State. Questions may arise hereafter whether the Federal Government or the Federal Legislature were competent in relation to a particular State to do certain things or to make certain laws, and the Federal Court may be called upon to pronounce upon them ; and it would in our opinion be very unfortunate if the Court found itself compelled in any case to base its decision upon some expression or phraseology peculiar to the Instrument under review and not found in other Instruments. Next, we think that the lists of subjects accepted as Federal by Rulers willing to accede to the Federation ought to differ from one another as little as possible, and that a Ruler who desires in his own case to accept, or to reserve, subjects which appear in what we may perhaps describe as the standard list of Federal subjects in relation to the States, ought to be invited to justify the exception or reservation before his accession is accepted by the Crown. We do not doubt that there are States which will be able to make out a good case for the exception or reservation of certain subjects some by reason of existing treaty rights, others because they have long enjoyed special privileges (as for example in connexion with postal arrangements, and even currency or coinage) in matters which will henceforward be the concern of the Federation ; but in our judgement it is important that the deviations from the standard list should be regarded in all cases as exceptional and not be admitted as of course. We do not need to say that the accession of all States to the Federation will be welcome ; but there can be no obligation on the Crown to accept an accession, where the exceptions or reservations sought to be made by the Ruler are such as to make the accession illusory or merely colourable.

We regard the States as an essential element in an all-India Federation ; but a Federation which comprised the Provinces and only an insignificant number of the States would scarcely be deserving of the name. This is recognized in the White Paper, where it is proposed that the Federation shall be brought into existence by the issue of Proclamation by His Majesty, but that no such Proclamation shall be issued until the Rulers of States representing not less than half the aggregate population of the States, and entitled to not less than half the seats to be allotted to the States, in the Federal Upper Chamber, have signified to His Majesty their desire to accede

to the Federation. We accept the principle of this proposal. We observe also that it is proposed that both Houses of Parliament should first present an Address to His Majesty praying that the Proclamation may be issued. We approve this proposal, because Parliament has a right to satisfy itself not only that the prescribed number of States have in fact signified their desire to accede, but also that the financial, economic and political conditions necessary for the successful establishment of the Federation upon a sound and stable basis, have been fulfilled.....We note also in passing that the establishment of autonomy in the Provinces is likely to precede the establishment of the Federation ; but in our judgement it is desirable, if not essential, that the same Act should lay down a Constitution for both, in order to make clear the full intention of Parliament.

Responsible Government at the Centre

.....The problem of responsibility at the Centre raises grave issues of its own. We do not forget that the Statutory Commission were unable to convince themselves that this further step was justified at the time when they made their Report, and we cannot lightly put aside the reasons which led them to that conclusion. It is admitted by responsible Indian leaders that whatever form the Central Government may take, the defence and external relations of India must for the time being remain the exclusive responsibility of the Governor-General. Hence any measure of the responsible Government at the Centre must involve a system of Dyarchy ; but the Statutory Commission held strongly the view that a unitary Government at the Centre was essential and should be preserved at all costs. 'It must be a government', they wrote, 'able to bear the vast responsibilities which are cast upon it as the central executive organ of a sub-continent presenting complicated and diverse features which it has been our business to describe' ; and they expressed the opinion that a plan based on Dyarchy was unworkable and no real advance in the direction of developing central responsibility at all. To this we might add that what we have ourselves said above on the subject of Dyarchy in the Provinces appears at first sight to be wholly inconsistent with any contrary view.

We recognize the force and weight of all these arguments, but we have to deal with a state of things which did not, and indeed could not, enter into the consideration of the Statutory Commission when they reached their decision on this matter. Their examination of the problem was prosecuted at a time antecedent to the declaration by the Princes of their willingness to enter an all-India Federa-

tion, and though they looked forward to such a Federation in the future, and indeed so framed their recommendations as to prepare the way for it, they had no choice but to deal with things as they then were and not as they might afterwards become. We, on the other hand, have to take into account as a new factor, the declaration of the Princes that they are willing now to enter into an all-India Federation, but subject always to this condition, that the Federal Government is a responsible and not an irresponsible Government. The importance of this declaration cannot be over-estimated, and if the choice is to be made between a responsible Government at the Centre with the accession of the Princes and a continuance of the present system (even with some modification) without them, we cannot doubt what the choice would be. The Indian States, both geographically and economically, are an integral part of India, and as the Statutory Commission observe, there are few subjects which should form the field of activity of a Central Government in India which do not interest also the States. Their accession to an all-India Federation will in our opinion be found to be no less to their own advantage than it will undoubtedly be to the advantage of India as a whole but apart from this they have a special contribution of their own to make. They will strengthen the association between India and the Crown ; and we are also persuaded that they will introduce into the new Constitution a cautious and conservative element, with a practical experience in the problems of government, which will make for sobriety and stability in Indian politics of the future.

Our recommendation then is conditional upon the accession of the Princes ; and if we are asked what the position would be, if the Princes should resile from their declaration, we can only reply that in that event, which happily there is no reason to contemplate, we are unaware of any pledges which bind either Parliament or His Majesty's Government, and that the matter will be at large. But the problem of Dyarchy at the Centre remains, and the objections to it so strongly urged by the Statutory Commission have still to be considered. In our opinion a system of Dyarchy at the Centre such as we propose is not open, at least in an equal degree, to the criticisms levelled against it in the Provinces. There is only an imperfect analogy between the reservation of defence or external relations and that of the present Reserved subjects in the Provincial sphere. In the Provinces the administration of the Reserved subjects touches so closely that of the subjects transferred to Ministers that an administrative decision in one field may profoundly affect decisions in another, and a division of responsibility cannot fail to have perplexing consequences. Contact between the subjects of Defence

or External Relations and the range of subjects which, if our recommendations are accepted, would fall within the sphere of Ministers at the Centre is, if not remote, at least not a matter of daily occurrence. It is no doubt true that the Army at the Centre and police in the Provinces are both concerned with the preservation of order, but their functions in this respect differ so widely that administratively they present far more points of contrast than of likeness. We do not by any means overlook the question of finance or the reactions of the Army Budget upon the finance of the Central Administration ; but here again no question arises of a constant impingement of one administrative sphere upon the other. Lastly, it is reasonable to suppose that the interests of the Princes in all matters relating to the defence of India will make them unwilling to support any action tending to blur the responsibility of the Governor-General in this field or to become parties to ill-conceived criticism of his administration of the Reserved Departments. We are led to the conclusion, therefore, that the objections of the Statutory Commission are not in themselves an insuperable bar to the grant of responsible government even at the Centre, and we are not satisfied that the sacrifice of unity will render impossible the establishment of an efficient Central Executive.

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It has been made clear to us that, with few exceptions, Indians of every shade of political opinion have come, rightly or wrongly, to regard a measure of responsible government at the Centre as the hall-mark of nationhood, and as a thing vital to the status and self-respect of India. If these hopes and desires were now to be thwarted by the limitation to the provincial field of the principle of responsibility, we think the consequences would be disastrous alike in the Provinces and at the Centre. We apprehend that the centrifugal forces latent in all federal Constitutions would be dangerously increased, and that if an irresponsible Centre were to come into conflict with autonomous Provinces upon an issue where the popular cause was championed by the Provinces, there might emerge a state of affairs which would threaten nothing less than the integrity of the Federation. Nor could we hold it reasonable to contemplate the successful coercion, by an irresponsible Central Executive, of autonomous Provinces whose Governments enjoyed the full support of public opinion and of the Legislatures, both Central and Provincial.

It is obvious at the outset that the very ground on which the Princes advocate responsibility at the Centre in an All-India

Federation constitutes the strongest possible argument against responsibility at the Centre in a purely British-India Federation ; for a British-India Centre would have to deal, as now, with matters intimately affecting the States, yet would, as now, be unable to give the States any effective voice in its deliberations. If the States are irked by the exercise of such powers by the present Government of India, their exercise by Ministers responsible to a purely British-India electorate could hardly fail to lead to serious friction. Indeed, the position of the Governor-General in such circumstances, as the sole representative of the Crown in its treaty relations with the States and, therefore, as the sole mediator between a British-India electorate ond the State Rulers, would be an almost impossible one. We agree, therefore, with the Statutory Commission in thinking that a responsible British-India Centre is not a possible solution of the constitutional problem, or would, at most, only be possible at the price of very large deductions from the scope of its responsibility.

But the Statutory Commission went further than this. They considered the question of responsibility at the Centre from another angle also. It is unnecessary to repeat all that they said on the subject, but they realized, as every student of the problem must realize, that responsible government at the Centre could not in any case extend to all departments of the Central Government, and that, in any case, it would be necessary to reserve Defence and Foreign Affairs from the sphere of ministerial responsibility. Hence any measure of responsible government at the Centre must involve a system of Dyarchy, and the Commission held strongly the view that a unitary Government at the Centre was essential and should be preserved at all costs. 'It must be a Government', they wrote, 'able to bear the vast responsibilities which are cast upon it as the central executive organ of a sub-continent, presenting complicated and diverse features which it has been our business to describe' ; and they expressed the opinion that a plan based on Dyarchy was unworkable and would, indeed, constitute no real advance in the direction of developing central responsibility. In this connexion we may usefully quote one passage from the Report of the Statutory Commission on the working of Dyarchy in the Provinces. 'The practical difficulty in the way of achieving the objective of Dyarchy and of obtaining a clear demarcation of responsibility arises not so much in the inner counsels of government as in the eyes of the Legislature, the electorate and the public. Provincial Legislatures were by the nature of the Constitution set the difficult task of discharging two different functions at the same time. In the one sphere, they were to exercise control over policy ; in the other,

while free to criticize and vote or withhold supply, they were to have no responsibility. The inherent difficulty of keeping this distinction in mind has been intensified by the circumstances under which the Councils have worked to such an extent that perhaps the most important feature of the working of Dyarchy in the Provincial Councils, when looked at from the constitutional aspect, is the marked tendency of the Councils to regard the Government as a whole, to think of Ministers as on a footing not very different from that of Executive Councillors, to forget the extent of the opportunities of the Legislatures on the Transferred side, and to magnify their functions in the Reserved field.'

These are undoubtedly formidable objections, but they do not, we think, exhaust the question. It is impossible adequately to discuss the real issues involved in a decision for or against the introduction of some measure of responsibility at the Centre if the discussion is confined to the Centre itself and is conducted in terms of 'Dyarchy'. Like so many other words used in political controversy, 'Dyarchy' has collected round it associations which tend to obscure issues rather than to clarify them. The truth is that, in any Constitution, and above all in a federal Constitution, there must be a division of responsibility at some point, and at that point there will always be a danger of friction. In framing a Constitution, the problem is to draw the line at a point where these necessary evils will be minimized, and the line will be drawn at different points according to the character and problems of the particular country concerned. It may be drawn at a point where the powers which are reserved from the normal operation of the Constitution have, in ordinary times, little or no practical effect on the formulation and execution of policy—as, for instance, the line drawn in the British North American Act between the powers of the Governor-General and the powers of the Governor-General in Council. But in India no easy solution of this kind is possible. There the line drawn must reserve to the Governor-General large powers which will have an important effect upon the policy of the Government as a whole. Broadly speaking, three possible lines of division have been suggested to us, each of which deserves to be briefly discussed.

One is a line drawn within the sphere of the Provincial Governments in such a way as to reserve to the Provincial Governors the responsibility for the maintenance of law and order, and to the Governor-General the responsibility for all Central subjects. This solution eliminates Dyarchy at the Centre, but perpetuates it in the Provinces ; and we have already indicated our reasons for rejecting it....

The second line suggested to us is one coinciding with the line of division between the Provincial Governments and the Central Government, the former being wholly responsible Governments and the latter wholly irresponsible. This was the immediate (though not, as we shall suggest in a moment, the ultimate) line of division recommended by the Statutory Commission, and it is the one which we should probably have felt constrained to recommend if we had been considering a purely British-India Federation. But it is, we think, open to very serious objections which could not be fully present to the mind of the Statutory Commission. Though it might appear at first sight to eliminate altogether the evils of Dyarchy, its real effect is rather to conceal Dyarchy than to eliminate it. Its actual effect would be to reserve to the Governor-General much of the unpopular duty of taxation, while allotting to responsible Provincial Ministers the agreeable task of spending the money so raised. It must be remembered that the Statutory Commission based their financial recommendations on an estimate of the future revenues of India far more sanguine than would now be accepted by an expert. They, therefore, felt able to recommend the establishment of a Provincial Fund, fed by automatic allocations from Central revenues which in turn would be automatically distributed among the Provinces. In a State so happily provided with ample revenues that their division between two distinct sets of public authorities could be fixed in advance by the Constitution for all time, the existence of an irresponsible Government at the Centre side by side with responsible Governments in the Provinces might no doubt have been expected to work reasonably well. It is, however, impossible for Parliament today to base its policy on any such assumption. The Central and Provincial Governments must, as we shall show when we come to our financial recommendations, be financed from year to year largely out of the same purse. That purse, for some time to come at least, will be at best barely adequate for the needs of both. In these circumstances, Central policies of taxation and Central economic policies, on which the wealth of India and the volume of her public revenue will depend, must be of the most immediate and fundamental interest to the Government of every Province. A line of division which withheld this whole range of policy from the consideration of responsible Ministers could hardly fail to become the frontier across which the bitterest conflicts would be waged ; and its existence would afford to Provincial Ministers a constant opportunity to disclaim responsibility for the non-fulfilment of their election promises and programmes.

Lastly, the line can be drawn within the Central Government itself, in such a way as to reserve the Departments of Defence

and Foreign Affairs to the Governor-General, while committing all other Central subjects to the care of responsible Ministers, subject to the retention by the Governor-General of special powers and responsibilities, outside his Reserved Departments, similar to (though not necessarily in all respects identical with) those which we contemplate should be conferred on the Provincial Governors. The nature of the Central safeguards which would in that event be necessary will be discussed, like the Provincial safeguards, in the body of the Report; but, subject to them, the effect of drawing the line at this point would be to make Indians responsible for legislation and administration over the whole field of social and economic policy. It is, we think, a fair conclusion from the Report of the Statutory Commission that this was the line at which they contemplated that the division of responsibility would ultimately be made. They contemplated an eventual All-India Federation. They believed that the Constitution which they recommended for the Central Government would contain in itself the seeds of growth and development. It was, no doubt, for that reason, and foreseeing the course of that development that they suggested that the protection of India's frontiers should not, at any rate for a long time to come, be regarded as a function of an Indian Government in relation with an Indian Legislature at all, but as a responsibility to be assumed by the Imperial Government. Apart from the difficulties of this suggestion, to which we shall have to return in the body of our Report, it obviously involves a Dyarchy of much the same kind as would result from a frank reservation to the Governor-General of the Department of Defence. In fact, the reservation of Defence, with the reservation of Foreign Affairs as intimately connected with Defence, is the line of division which corresponds most nearly with the realities of the situation. It is also the line of division which, on the whole, creates the least danger of friction. As the Statutory Commission pointed out in the passage we have already quoted, Dyarchy has not, even in the Provinces, raised any insuperable difficulties 'in the inner counsels of the Government'; and the danger of friction in the inner counsels of the Central Government will be even smaller, for the administration of Defence and Foreign Affairs will normally, at any rate, have few contacts with other fields of Central administration under the new Constitution.

The one real danger of friction, and that a serious one, lies in the very large proportion of Central revenues which is, and must continue to be, absorbed by the Army Budget. It is true that this difficulty is inherent in the facts of the situation. It exists at the present day. Ever since the Act of 1919, the Central Legislature has constantly sought to 'magnify its functions in the reserved

field' of the Army Budget. The serious friction thus caused would be likely to manifest itself in an even stronger form in the future in a Central Legislature such as was proposed by the Statutory Commission—a Legislature largely representative of Provincial Legislatures, yet denied all effective control over any branch of Central finance. It is also true that the Statutory Commission's own scheme for a reservation of Defence to the Imperial Parliament would raise the same difficulty in an even more acute form. It is even true that the friction which now exists over Army expenditure could hardly be intensified and might be substantially mitigated by the existence of a Ministry generally responsible to the Legislature for finance. The existence of a large standing charge for Defence circumscribes but by no means destroys the financial responsibility of Ministers. For the greater part of most national budgets are, in effect, unalterable because they are the results of commitments arising out of the past in the field of foreign relations or of social reform. The margin of discretion which is avilable to Ministers anywhere in increasing or reducing taxation or altering expenditure is usually small, and this margin, in India, will be within the control of Ministers, subject to the Governor-General's special responsibility in the financial sphere. Ministers will naturally wish to save money on defence in order that they may spend it on 'nation building' departments under their own charge, but we believe that responsible Indian Ministers will be not less anxious for adequate defence than the Governor-General, and will usually after discussion with him support his view of what is necessary and will be able to convince their following in the Legislature that it is sound. Yet in spite of these weighty considerations, the danger of friction between the Governor-General and the Legislature over the army Budget undoubtedly furnishes an additional argument against responsibility at the Centre in a purely British-India Federation. But that is not the proposition we are now discussing. We have already made it clear that, in such a Federation, we should have felt constrained to draw our line of division at another point, notwithstanding the disadvantages of the alternatives to which we have drawn attention above. What we are now discussing is an all-India Federation, and in regard to the Army Budget, as in regard to the broader issues of the relations between British India and the States, the declaration of the Princes, indicating their willingness to enter an all-India Federation, has introduced a new and, in our judgement, a determining factor. It is reasonable to expect that the presence in the Central Executive and Legislature of representatives of the Princes who have always taken so keen an interest in all matters relating to defence will afford a guarantee that these grave matters

will be weighed and considered with a full appreciation of the issues at stake. It is, indeed, one of the main advantages of an all-India Federation that it will enable Parliament to draw the line of division between responsibility and reservation at the point which, on other grounds, is most likely to provide a workable solution.

Before leaving this subject we ought, perhaps, to refer to one argument which has been urged upon us in favour of a wholly irresponsible Central Government, and also to one particular danger which we think Parliament should be careful to avoid. The argument to which we refer is that an irresponsible Centre would constitute a reserve of power which could be used at any moment by the Governor-General to redress the situation in any Province, if responsible government in that Province should break down. This argument seems to us to rest on a misapprehension. The Governor-General in an irresponsible Centre would have no more and no less power of intervention in the Provinces either to forestall a constitutional breakdown or to restore the situation after such a break-down, than he would possess under our recommendations. Our recommendations do, in fact, reserve to him such power through the interaction of his own and the Provincial Governors' special powers and responsibilities ; but in so far as his opportunities of intervention are limited, they are limited, not by the constitution of the Central Government, but by the establishment of autonomous Provincial Governments. The danger which we think Parliament should avoid lies in the fact, on which we have already insisted, that ministerial responsibility is not itself a form of Government which can be created or prevented at will by the clauses of a statute, so much a state of relationships which tends to grow up in certain circumstances and under certain forms of government. It follows that a Constitution Act cannot legislate against ministerial responsibility at the Centre, if its other provisions, or the facts of the case, are such as to encourage the development of such responsibility. It has been suggested to us that, while the Central Government should be declared by the Constitution to be an irresponsible Government, the Governor-General should be free to select any of his Executive Council from among the members of the Central Legislature, and that a member of the Legislature assuming ministerial office should not be obliged to resign his seat in the Legislature. There is much to be said for such a proposal, but it is in fact a proposal, not for the perpetuation of an irresponsible Government, but for the gradual introduction of responsible one. It would tend to introduce responsible government at the Centre by insensible degrees without any statutory limitation of the scope of ministerial power and

responsibility. That is, indeed, broadly speaking, the way in which responsible government actually grew up in Canada. It may be difficult to draw any satisfactory line of division between reserve powers and responsible government, but, under the conditions of the problem that we are examining, Parliament should be careful not to draw a definite line in principle, only to blur it in practice.

We cannot leave this subject without asking the vital question which Parliament will have to answer : whether a Central Government of India constituted as we propose would fulfil the condition we have already laid down—whether it would provide a Central authority strong enough to maintain the unity of India and to protect all classes of her citizens. The question can not be answered apart from a consideration of the strength or weakness of the Central Government as it now exists. As our inquiries have proceeded, we have been increasingly impressed, not by the strength of the Central Government as at present constituted, but by its weakness. It is confronted by a Legislature which can be nothing but (in Bagehot's words) 'a debating society adhering to an executive.' The Members of that Legislature are unrestrained by the knowledge that they themselves may be required to provide an alternative Government ; their opinions have been uninformed by the experience of power, and they have shown themselves prone to regard support of Government policy as a betrayal of the national cause. It is no wonder that the criticism offered by the members of such a Legislature should have been mainly destructive ; yet it is abundantly clear from the political history of the last twelve years that criticism by the Assembly has constantly influenced the policy of Government. As a result, the prestige of the Central Government has been lowered and disharmony between Government and Legislature has tended to sap the efficiency of both. Indeed, the main problem which, in this sphere, Parliament has now to consider is how to strengthen an already weakening Central Executive. We believe that the Central Government which we recommend will be stronger than the existing Government and we see no other way in which it could be strengthened.

The Ambit of Provincial Autonomy and Distribution of Legislative Powers

The Ambit of Provincial Autonomy

The first problem is to define the sphere within which Provincial Autonomy is to be operative. The method adopted by the White Paper (following in this respect the broad lines of Dominion Federal Constitutions) is to distribute legislative powers between the

Central and Provincial Legislatures respectively, and to define the Central and Provincial spheres of Government by reference to this distribution. In Appendix VI, List II, of the White Paper are set out the matters with respect to which the Provincial Legislatures are to have exclusive legislative powers, and the sphere of Provincial Autonomy in effect comprises all the subjects in this list. The subjects in List II (the exclusively Provincial List) represent generally with certain additions those which the Devolution Rules under the Act of 1919 earmarked as 'Provincial subjects' and we are of opinion that in its broad outlines the List provides a satisfactory definition of the Provincial sphere. We shall have certain suggestions and recommendations to make later, when we come to consider the List in detail, and there are a few subjects included in it with regard to which a complete provincialization might, as it seems to us, be prejudicial to the interests of India as a whole. It will, however, be convenient to leave this aspect of the matter for subsequent examination.

There is, however, another List (Appendix VI, List III), in which are set out a number of subjects with respect to which it is proposed that the Central Legislature shall have a power of legislating concurrently with the Provincial Legislatures, with appropriate provision for resolving a possible conflict of laws. Experience has shown, both in India and elsewhere, that there are certain matters which cannot be allocated exclusively either to a Central or to a Provincial Legislature, and for which, though it is often desirable that provincial legislation should make provision, it is equally necessary that the Central Legislature should also have a legislative jurisdiction, to enable it in some cases to secure uniformity in the main principles of law throughout the country, in others to guide and encourage provincial effort, and in others again to provide remedies for mischiefs arising in the provincial sphere but extending or liable to extend beyond the boundaries of a single Province. Instances of the first are provided by the subject matter of the great Indian Codes, of the second by such matters as labour legislation, and of the third by legislation for the prevention and control of epidemic disease. It would in our view be disastrous if the uniformity of law which the Indian Codes provide were destroyed or whittled away by the uncoordinated action of Provincial Legislatures. On the other hand, local conditions necessarily vary from Province to Province, and Provincial Legislatures ought to have the power of adapting general legislation of this kind to meet the particular circumstances of this Province.

We had at first thought that the case could be met by so defining the powers of the Central Legislature as to restrict its

competence in this sphere to the enacting of broad principles of law, the Provincial Legislatures being left to legislate for the Provinces within the general frame-work thus laid down. We are, however, satisfied that, with regard at any rate to some of the subjects in List III, the local conditions in a Province may require the enactment of legislation modifying a general law applicable to the Province, and that the power of the enacting complementary legislation alone would not suffice. If it be said that this difficulty could be met by entrusting the Central Legislature with the power themselves to legislate for the purposes of meeting the particular needs of a single Province, our answer would be that it is wrong in principle to give the Central Legislature power to enact legislation for one Province only, on a matter which *ex hypothesi* must necessarily be one of exclusively local concern. There is no analogy between local legislation enacted by the Parliament at Westminster at the instance of a single local authority, and a power to legislate for an autonomous British-India Province. Nor can we disregard the obvious fact that the necessity for obtaining Central legislation might in practice cause grave difficulties to a Province, especially in cases where the demand for an amendment of the law is immediate and urgent.

The White Paper proposes that, where there is conflict between the Central and Provincial legislation with respect to a subject comprised in List III, the Central legislation shall prevail, unless the Provincial legislation is reserved for and receives the assent of the Governor-General. This appears to us an appropriate method for effecting a reconciliation between the two points of view, and it has the further merit of avoiding the legal difficulties which any attempt further to refine the definitions in List III for the purposes of distributing the legislative power between the Central and Provincial Legislatures would of necessity create. We, therefore, approve the principle of the Concurrent List, though we reserve for subsequent consideration the question of the particular subjects which in our opinion ought to be included in it.

We have pointed out above that in List II are set out the matters with respect to which the Provincial Legislatures are to have exclusive legislative powers and that, generally speaking, this List provides a satisfactory definition of the provincial sphere. List I in Appendix VI similarly sets out the matters with respect to which the Central Legislature is to have exclusive legislative powers ; and these two Lists (together with the Concurrent List) are so widely drawn that they might seem at first sight to cover the whole field of possible legislative activity, and to leave no residue of legislative power unallocated. It would, however, be beyond the

skill of any draftsman to guarantee that no potential subject of legislation has been overlooked, nor can it be assumed that new subjects of legislation, unknown and unsuspected at the present time, may not hereafter arise ; and therefore, however carefully the Lists are drawn, a residue of subjects must remain, however small it may be, which it is necessary to allocate either to the Central Legislature or to the Provincial Legislatures. The plan adopted in the White Paper is that the allocation of this residue should be left to the discretion of the Governor-General, and settled by him *ad hoc* on each occasion when the need for legislation arises. It would be necessary under this plan to make provision for the formal record of the Governor-General's decisions as having statutory force.

This scheme of allocation of powers has obvious disadvantages. It will be observed that, for the purpose of reducing the residuary powers to the smallest possible compass, the lists of subjects dealt with in all three Lists are necessarily of great length and complexity ; whereas, apart from the question of the Concurrent List, if it had been possible to allocate residuary legislative powers to, *e.g.*, the Provinces, only a list of Central powers would have been required, with a provision to the effect that the legislative powers of the Provinces extended to all powers not expressly allocated to the Centre ; and conversely, if the residue had been allocated to the Centre. This, broadly, is the plan which has been adopted in Canada and Australia, the residuary powers being vested, in the case of Canada, in the Dominion Legislature, and, in the case of Australia, in the Legislatures of the States. Even so, experience has unhappily shown that it has been impossible to avoid much litigation on the question whether legislation on a particular subject falls within the competence of one Legislature or the other ; and it seems clear that the attempt made in the White Paper to allocate powers over the whole field of legislation by the expedient of specific enumeration must tend considerably to increase the danger of litigation by multiplying points of possible inconsistency.

On the other hand, there are two grounds on which the White Paper scheme may be defended, one of immediate political expediency and the other of constitutional substance. On the first point, we gather from our discussions with the Indian delegates that a profound cleavage of opinion exists in India with regard to the allocation of the residuary legislative powers ; one school of thought mainly Hindu, holding as a matter of principle that these powers should be allocated to the Centre, and the other, mainly Mohammedan, holding not less strongly that they should be allocated to the Provinces. Where an apparently irreconcilable difference of opinion

thus exists between the great Indian communities on a matter which both of them appear to regard as one of principle, the proposals of His Majesty's Government may be defended as a reasonable compromise. On the point of constitutional substance, it seems to us that, if a choice were to be made between the two alternative principles to which we have just drawn attention, the logical conclusion of the proposals in the White Paper would be the allocation of all residuary legislative powers to the Provincial Legislatures ; but this solution would, we think, require to be accompanied by the insertion in List I of some general overriding power of Central legislation in matters of all-India concern, since a new subject of legislation cannot be left to fall automatically into the provincial field, irrespective of its national implications. But it is precisely an overriding clause of this kind which has led to litigation in other non-unitary States. On the whole, therefore, we are unwilling to recommend an alteration of the White Paper proposal in a field in which experience shows that no wholly satisfactory solution is possible.

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The Distribution of Legislative Powers

We have already explained that the general plan of the White Paper, which we endorse, is to enumerate in two Lists the subjects in relation to which the Federation and the Provinces respectively will have an exclusive legislative jurisdiction ; and to enumerate in a third List the subjects in relation to which the Federal and each Provincial Legislature will possess concurrent legislative powers—the powers of a Provincial Legislature in relation to the subjects in this list extending, of course, only to the territory of the Province. The result of the statutory allocation of exclusive powers will be to change fundamentally the existing legislative relations between the Centre and the Provinces. At present the Central Legislature has the legal power to legislate on any subject, even though it be classified by rules under the Government of India Act as a Provincial subject, and a Provincial Legislature can similarly legislate for its own territory on any subject, even though it be classified as a Central subject ; for the Act of each Indian Legislature, Central or Provincial, requires the assent of the Governor-General, and, that assent having been given, section 84(3) of the Government of India Act provides that 'the validity of any Act of the Indian Legislature or any local Legislature shall not be open to question in any legal proceedings on the ground that the Act affects a Provincial subject or a Central subject as the case may be'. If our recommendations are adopted, an enactment regulating a matter included in the exclusively Provincial List will hereafter be valid only if it is passsed by a Pro-

vincial Legislature, and an enactment regulating a matter included in the exclusively Federal List will be valid only if it is passed by the Federal Legislature ; and to the extent to which either Legislature invades the province of the other, its enactment will be *ultra vires* and void. It follows that it will be for the Courts to determine whether or not in a given enactment the Legislature has transgressed the boundaries set for it by the exclusive List, Federal or Provincial, as the case may be. The questions which may arise as to the validity of legislation in the concurrent field are more complicated, and we shall discuss them later ; but here, also, disputes as to the validity of legislation will in the last resort rest with the Courts.

We do not disguise the fact that these proposals will open the door to litigation of a kind which has hitherto been almost unknown in India ; nor have we forgotten that the Statutory Commission expressed the hope that the provisions of the existing Act which we have mentioned above would be preserved. As we shall explain, our recommendations will have the effect of preserving, in the limited sphere of the concurrent field, the main feature of the existing system ; but we feel no doubt that the White Paper correctly insists upon a statutory allocation of exclusive jurisdiction to the Centre and the Provinces respectively as the only possible foundation for the Provincial Autonomy which we contemplate. We are fully sensible of the immense practical advantages of the present system, and of the uncertainties and litigation which have followed elsewhere from a statutory delimitation of competing jurisdictions ; but we are satisfied that relationship between Centre and Provinces, in which each depends in the last resort for the scope of its legislative jurisdiction on the decision of the Central Executive as represented by the Governor-General, would form no tolerable basis for an enduring Constitution and would be inconsistent with the whole conception of autonomous Provinces.

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We confine our attention for the moment to Lists I and II, which define respectively the exclusive jurisdiction of the Centre and of the Provinces. We believe that the attempt which these Lists represent to allocate by enumeration with any approach to completeness the functions of legislation, including taxation, to rival Legislatures is without precedent. In other Constitutions the method adopted has usually been to specify exhaustively the subjects allocated to one Legislature and to assign to the other the whole of the unspecified residue. But, as we have said elsewhere, the method adopted in the White Paper has one definite constitutional advantage apart from its virtues as a compromise between two sharply opposing

schools of thought in India. We are ourselves convinced that the laborious and careful enumeration of both sets of subjects has secured that in fact no material and unforeseen accretion of power, either to Centre or Provinces, would result from the elimination of one List or the other ; and we are satisfied that the process has reduced the residue to proportions so negligible that the apprehensions which have been felt on one side or the other are without foundation. Recognizing the strength of Indian feeling on this matter we are unwilling to disturb the compromise embodied in the White Paper, the effect of which is to empower the Governor-General acting in his discretion to allocate to the Centre or Province as he may think fit the right to legislate on any matter which is not covered by the enumeration in the Lists. We are conscious of the objections to this proposal. It is inconsistent with our desire to see a statutory delimitation of legislative jurisdictions ; and the power vested in the Governor-General necessarily empowers him not merely to allocate an unenumerated subject, but also, in so doing, to determine conclusively that a given legislative project is not, in fact, covered by the enumeration as it stands—a question which might well be open to argument, though we assume that in practice the Governor-General would seek an advisory opinion from the Federal Court. On the other hand, it must not be forgotten that an enumeration of the powers of the Centre and the allocation of the unspecified residue to the Provinces would involve not only the reservation to the Federal Legislature of a generally defined overriding power, but also the consequence that the Provinces would acquire the right to assume to themselves any unspecified sources of taxation which might hereafter be devised ; and if this position were accepted it might well be necessary to deal separately and by a different method with the power to impose taxation. We recommend, however, as some mitigation of the uncertainty arising from the inevitable risks of overlapping between the entries in the Lists, that the Act should provide that the jurisdiction of the Federal Legislature shall, notwithstanding, anything in Lists II and III, extend to the matters enumerated in List I ; and that the jurisdiction of the Federal Legislature under List III shall, notwithstanding anything in List II, extend to the matters enumerated in List III. The effect of this will be that, in case of conflict between entries in List I and entries in List II, the former will prevail, and, in case of conflict between entries in List III and entries in List II, the former will prevail so far as the Federal Legislature is concerned.

We turn now to the problems presented by the Concurrent List. We have already explained our reasons for accepting the principle of a Concurrent List but the precise definition of the powers

to be conferred upon the Centre in relation to the matters contained in it presents a difficult problem. In the first place, it appears to us that, while it is necessary for the Centre to possess in respect of the subjects included in the List a power of co-ordinating or unifying regulation, the subjects themselves are essentially provincial in character and will be administered by the Provinces and mainly in accordance with provincial policy ; that is to say, they have a closer affinity to those included in List II than to the exclusively federal subjects. At the same time, it is axiomatic that, if the concurrent legislative power of the Centre is to be effective in such circumstances, the normal rule must be that in case of conflict between a Central and a Provincial Act in the concurrent field, the former must prevail. But an unqualified provision to that effect would enable an active Centre to oust provincial jurisdiction entirely from the concurrent field, and would thus defeat one of the main purposes of the latter. We have already expressed our approval of the device adopted in the White Paper for the purpose of meeting this difficulty, under which the Governor-General, acting in his discretion, is made the arbiter between conflicting claims of Centre and Provinces. This in effect preserves, in the limited sphere of the concurrent field, the existing legislative relation between Centre and Provinces which excited the admiration of the Statutory Commission ; and we think that it would be a mistake to attempt to limit the powers of the Central Legislature in this field by any statutory definition of the purpose for which, or the conditions subject to which, they are to be used.

There are obvious attractions to those who wish to see the freedom and initiative of the Provinces as unfettered as possible in an attempt to ensure by provisions in the Constitution Act that the powers of the Centre in the concurrent field are to be capable of use only where an all-India necessity is established, and where the enactment in question can appropriately be, and in fact is, applied to every Province. We are clearly of opinion that such a restriction, apart from the prospect of litigation which it opens up, would tend to defeat the objects we have had in view in revising the List of concurrent subjects. For similar reasons we should strongly deprecate any provision requiring the prior assent of the Provinces, or of a majority of them, as a condition precedent to the exercise by the Centre of its powers in this field, or the condition suggested in the White Paper that the Centre is to be debarred from so using its powers in respect of a concurrent subject as to impose financial obligation on the Provinces. We recognize that, in practice, it will be impossible for the Centre to utilize its powers in the concurrent

field without satisfying itself in advance that the Governments to whose territories a projected measure will apply are, in fact, satisfied with its provisions and are prepared, in cases where it will throw extra burdens upon provincial resources, to recommend to their own Legislatures the provision of the necessary supply ; but we consider that the practical relationships which are to develop between Centre and Provinces in this limited field must be left to work themselves out by constitutional usage and the influence of public opinion, and that no useful purpose would be served by attempting to prescribe them by means of rigid legal sanctions and prohibitions. Nevertheless, we regard it as essential to satisfactory relations between Centre and Provinces in this field that the Federal Government, before initiating legislation of the kind which we are discussing, should ascertain provincial opinion by calling into conference with themselves representatives of the Governments concerned. At the same time we recommend that, although no statutory limitation should be imposed upon the exercise by the Centre of its legislative powers in the concurrent field, the Governor-General should be given guidance in his Instrument of Instructions as to the manner in which he is to exercise the discretion which the White Paper proposes to vest in him in relation to matters arising in the concurrent field.

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Our observations have been hitherto directed solely to the legislative relations between the Federation and the Provinces. The relations between the Federation and the States in this sphere will not, and cannot, be the same. The effect of the proposals in the White Paper is that, while every Act of the Federal Legislature regulating any subject which has been accepted by a State as a Federal subject will apply *proprio vigore* in that State as they will apply in a Province, a duty identical with that imposed upon Provincial Governments being imposed upon the Ruler to secure that due effect is given in his territories to its provisions, yet this jurisdiction of the Federal Legislature in the States will not be exclusive. It will be competent for the States to exercise their existing powers of legislation in relation to such a subject, with the proviso that, in case of conflict between a State law and a Federal law on a subject accepted by the State as Federal, the latter will prevail. We understand that the States, who are free agents in this respect, are likely in the first instance to take their stand upon the Federal List proper and to accept the jurisdiction of the Federal Legislature in nothing which is outside the boundaries of that List ; but we hope that in course of time they may be willing to extend their accessions at least to

certain of the items, such as bankruptcy and insolvency, in the Concurrent List.

*Speech by Shri Bhulabhai Desai on the Report of the Joint Parliamentary Committee on Indian Constitutional Reform, 4 February 1935**

After all, there are five aspects of every Government worth the name : (*a*) The right of external and internal defence and all measures for that purpose ; (*b*) The right to control our external relations ; (*c*) The right to control our currency and exchange ; (*d*) The right to control our fiscal policy ; (*e*) The day-to-day administration of the land. These are the five aspects which principally compose any Government. You may forge any Constitution you like, you may have 300 or 400 sections of an Act, but these five aspects sum up the outlines of every single Constitution. Looking at it in that outline, by a single stroke of the pen, call it Reserved subject or by any other name, what is it that is taken away and what is it that is left ? You shall have nothing to do with external affairs. You shall have nothing to do with defence. You shall have nothing to do, or, for all practical purposes in future, you shall have nothing to do with your currency and exchange, for indeed the Reserve Bank Bill just passed has a further reservation in the Constitution that no legislation may be undertaken with a view to substantially alter the provisions of that Act except with the consent of the Governor-General. It also appears from the Bill, as it is drafted, that the greatest national asset, to wit, the State Railways of India, are going almost to share a similar fate in so far as we have or can exercise any authority or power or control. That leaves us still with the 'discretionary powers', the 'Special Responsibilities', the veto which exists as a representative of the Crown, but more than that the positive power of individual personal legislation, the positive power of enthroning himself on the very throne of India itself as an absolute and sole dictator. That is the Central Constitution. Added to that, you have two Chambers, including elements which time does not permit me to examine in detail. The fact, therefare, remains that there is no real power conferred in the Centre. With what sense of responsibility, with what sense of honour and with what sense of self-respect, and with what hope could we look forward to the future under such a Constitution ? In so far as control and authority over questions of

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*Legislative Assembly Debates (1935). Official Report, vol. 1, pp. 279-80. Shri Bhulabhai Desai was the leader of the Congress Party in the Indian Legislative Assembly.

Also in

Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution,* 1921-47, Vol. I, pp. 320-322.

defence and army are concerned, it is a lamentable fact that it is not merely a question of pounds, shillings and pence (though that itself is the greatest burden that India has borne, patiently borne, during the last some 150 years), but it is the moral aspect from which we have to look at it, namely demoralization of the race which is the greater and the more insidious source of ruin. It must be remembered and it is admitted indeed that we have all the talents in individual man. Are talents wanting on the other side in those of my race who stand and form part of the present Constitution ? You can find Indian administrators, you can find Indian soldiers, you can find Indian economists, you can find Indian scientists and yet how does it happen that, with all those talents, the one thing that we do not find is that those put together do not compose and solely form the self-government of this land ? (Hear, hear.) It is the incubus from the top, notwithstanding the possession of all those talents which prevents each of them functioning to the best of his ability and it is the daily deteriorating strength and initiative of the human mind which it is for us to arrest and restore and it is for that, more than for any other reason, that I stand here before this House to emphatically say that notwithstanding the talents, it is that domination and domination alone which prevents you being what you are and of which you have the capacity of being in your own land. (Hear, hear.) (Applause.) This is a true picture of the Government of India under the proposed Constitution. That is the Government that is offered you. That is the Government that is going to be imposed upon you, for they are forging this Constitution, almost rushing the Bill which, on their own acknowledgement, the Indian people do not desire.

Coming to the Provinces, and with great deference to my Honourable friend, Mr. Jinnah, there is little to choose between the two. When you come to the Provinces what is it that is left ? India, I think it is confessed even by those who sit on the other side, has reached the uttermost capacity of taxation. Therefore, there is no more money to be found, and yet we are told that for this great and honoured institution that is coming into being, we shall have to find some 20 crores more for the purpose of feeding this white elephant ; and, added to that, when all the sources of revenue have dried up, you say we have responsible Ministers in the Centre. They will all be elected from among the elected representatives, but you put the Indians into this unfortunate and difficult position, that they are between the devil and the deep sea—I do not say which is which—between the extraordinary powers placed in the hands of the Governor on the one hand and the great Services for which undoubtedly a great deal is claimed, the Services who ought to be their

ministerial subordinates but who are going to have a back-door influence against those under whom they are going to serve ; between the protected Services (if I may use that expression) and between the unprotected Governor with all his powers and with no money and resources at his disposal for any nation-building purposes. Why offer this mockery of what is called Provincial Autonomy ? That is Provincial Autonomy properly and actually translated in action. Let us be not deceived by form, let us always remember the substance, for indeed there can be many a form by which you can be deceived. It is the soul that matters and not the form. With that central Dyarchy, and the Provincial Autonomy of the type that I have described, the House is faced today. And that is what the House has got to consider.

*Sir Samuel Hoare, Secretary of State for India, on the Preamble to the Government of India Act, 6 February 1935**

The House will observe that the Bill, like most modern Bills, contains no Preamble. There have, it is true, been important Acts in the past, among them the Government of India Act, 1919, to which a statement of policy and intentions was prefixed. There is, however, no need for a Preamble in this case, as no new pronouncement of policy or intentions is required. The Preamble to the Act of 1919 was described by the Joint Committee in their Report as having 'set out finally and definitely the ultimate aims of British rule in India'. The Committee, after full consideration, further asserted that 'subsequent statements of policy have added nothing to the substance of this declaration',which they then proceed to quote in full in their Report as, in their own words, 'settling once and for all the attitude of the British Parliament and people towards the political aspirations' of India. If the Committee were justified in their statements—and the Government consider that they were fully justified—there is surely nothing to be gained by reiterating words which have settled once and for all the attitude of Parliament to the Indian problem. Moreover, in Government, and above all in the Government of the Indian Empire, continuity of policy is of the first importance. No Government and no Parliament can treat lightly any statement issued under the authority of their predecessors. But, once the aim of a policy has been clearly determined and accepted, significance attaches not to its reiteration but to the concrete measures taken in pursuance of it. The position of the Government therefore, is this : They stand firmly by the pledge contained in the

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**Debates on Indian Affairs : House of Commons* (Session 1934-5) cols 463-4. *Also in*

Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Constitution*, 1921-47, Vol. I, pp. 322-323.

1919 Preamble which it is not part of their plan to repeal, and by the interpretation put by the Viceroy in 1929, on the authority of the Government of the day, on that Preamble that 'the natural issue of India's progress as there contemplated, is the attainment of Dominion Status'. The declaration of 1929 was made to remove doubts which had been felt as to the meaning of the Preamble of 1919. There is, therefore, no need to enshrine in an Act words and phrases which would add nothing new to the declaration of the Preamble. In saying that we stand by our pledges I include, of course, not only pledges given to British India, and to Burma as part of British India, but also our engagements with the Indian States.

Rightly understood, the Preamble of 1919, which I repeat will stand unrepealed, is a clear statement of the purpose of the British people, and this Bill is a definite step, indeed a great stride, forward towards the achievement of that purpose. It is by acts and not by words that we claim to be judged. It is clear that we can only reach the end we have plainly set before ourselves when India has succeeded in establishing the conditions upon which self-government rests, nor will its attainment be delayed by any reluctance on our part to recognize these conditions when they actually exist.

* * * *

EXTRACTS FROM THE GOVERNMENT OF INDIA ACT, 1935
CHAPTER 42 (25 & 26 Geo. V)*

An Act to make further provision for the Government of India.

[2nd August 1935.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I
INTRODUCTORY

1. *Short title.*

2. (1) All rights, authority and jurisdiction heretofore belonging to His Majesty the King, Emperor of India, which appertain or are incidental to the Government of the territories in India for the time being vested in him, and all rights, authority and jurisdiction exercisable by him in or in relation to any other territories in India, are exercisable by His Majesty, except in so far as may be otherwise

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**Also in.*
Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. I. pp. 323-376.

provided by or under this Act, or as may be otherwise directed by His Majesty.

Provided that any powers connected with the exercise of the functions of the Crown in its relations with Indian States shall in India, if not exercised by His Majesty, be exercised only by, or by persons acting under the authority of, His Majesty's Representative for the exercise of those functions of the Crown.

(2) The said rights, authority and jurisdiction shall include any rights, authority or jurisdiction heretofore exercisable in or in relation to any territories in India by the Secretary of State, the Secretary of State in Council, the Governor-General, the Governor-General in Council, any Governor or any Local Government, whether by delegation from His Majesty or otherwise.

3. (1) The Governor-General of India is appointed by His Majesty by a Commission under the Royal Sign Manual and has—

(*a*) all such powers and duties as are conferred or impossed on him by or under this Act ; and

(*b*) Such other powers of His Majesty, not being powers connected with the exercise of the functions of the Crown in its relatious with Indian States, as His Majesty may be pleased to assign to him.

(2) His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States is appointed by His Majesty in like manner and has such powers and duties in connexion with the exercise of those functions (not being powers or duties conferred or imposed by or under this Act on the Governor-General) as His Majesty may be pleased to assign to him.

(3) It shall be lawful for His Majesty to appoint one person to fill both the said offices.

4. There shall be a Commander-in-Chief of His Majesty's Forces in India appointed by Warrant under the Royal Sign Manual.

PART II

THE FEDERATION OF INDIA

CHAPTER I

ESTABLISHMENT OF FEDERATION AND ACCESSION OF INDIAN STATES

5. (1) It shall be lawful for His Majesty, if an address in that behalf has been presented to him by each House of Parliament and if the condition hereinafter mentioned is satisfied, to declare by Proclamation that as from the day therein appointed there shall be united in a Federation under the Crown, by the name of the Federation of India—

(*a*) the Provinces hereinafter called Governors' Provinces ; and

(*b*) the Indian States which have acceded or may thereafter accede to the Federation ;

and in the Federation so established there shall be included the Provinces hereinafter called Chief Commissioners' Provinces.

(2) The condition referred to is that States—

(*a*) the Rulers whereof will, in accordance with the provisions contained in Part II of the First Schedule to this Act, be entitled to choose not less than fifty-two members of the Council of State ; and

(*b*) the aggregate population whereof, as ascertained in accordance with the said provisions, amounts to at least one-half of the total population of the States as so ascertained, have acceded to the Federation.

6. (1) A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler thereof, the Ruler for himself, his heirs and successors—

(*a*) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in them by or under this Act ; and

(*b*) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession :

Provided that an Instrument of Accession may be executed conditionally on the establishment of the Fedeartion on or before a specified date, and in that case the State shall not be deemed to have acceded to the Federation if the Federation is not established until after that date.

(2) An Instrument of Accession shall specify the matters which the Ruler accepts as matters with respect to which the Federal Legislature may make laws for his State, and the limitations, if any, to which the power of the Federal Legislature to make laws for his State, and the exercise of the executive authority of the Federation in his State, are respectively to be subject.

(3) A Ruler may, by a supplementary Instrument executed by him and accepted by His Majesty, vary the Instrument of Accession of his State by extending the functions which by virtue of that Instrument are exercisable, by His Majesty or any Federal Authority in relation to his State.

(4) Nothing in this action shall be construed as requiring His Majesty to accept any Instrument of Accession or supplementary Instrument unless he considers it proper so to do, or as empowering His Majesty to accept any such Instrument if it appears to him that the terms thereof are inconsistent with the scheme of Federation embodied in this Act :

Provided that after the establishment of the Federation, if any Instrument has in fact been accepted by His Majesty, the validity of that Instrument or of any of its provisions shall not be called in question and the provisions of this Act shall, in relation to the State, have effect subject to the provisions of the Instrument.

(5) It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the Second Schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the Ruler in a supplementary Instrument be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any Federal authority in relation to the State.

(6) An Instrument of Accession or supplementary Instrument shall not be valid unless it is executed by the Ruler himself, but subject as aforesaid, references in this Act to the Ruler of a State include references to any person for the time being exercising the powers of the Ruler of the State, whether by reason of the Ruler's minority or for any other reason.

(7) After the establishment of the Federation the request of a Ruler that his State may be admitted to the Federation shall be transmitted to His Majesty through the Governor-General, and after the expiration of twenty years from the establishment of the Federation the Governor-General shall not transmit to His Majesty any such request until there has been presented to him by each Chamber of the Federal Legislature, for submission to His Majesty, an address praying that His Majesty may be pleased to admit the State into the Federation.

(8) In this Act a State which has acceded to the Federation is referred to as a Federated State, and the Instrument by virtue of which a State has so acceded, construed together with any supplementary Instrument executed under this section, is referred to as the Instrument of Accession of that State.

(9) As soon as may be after any Instrument of Accession or supplementary Instrument has been accepted by His Majesty under this section, copies of the Instrument and of His Majesty's Acceptance thereof shall be laid before Parliament, and all courts shall take judicial notice of every such Instrument and Acceptance.

CHAPTER II

THE FEDERAL EXECUTIVE

The Governor-General

7. (1) Subject to the provisions of this Act, the executive authority of the Federation shall be exercised on behalf of His Majesty by the Governor-General, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor-General any functions conferred by any existing Indian law on any court, judge or officer, or any local or other authority.

(2) References in this Act to the functions of the Governor-General shall be construed as references to his powers and duties in the exercise of the executive authority of the Federation and to any other powers and duties conferred or imposed on him as Governor-General by or under this Act, other than powers exercisable by him by reason that they have been assigned to him by His Majesty under Part I of this Act.

(3) The provisions of the Third Schedule to this Act shall have effect with respect to the salary and allowances of the Governor-General and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office.

8. (1) Subject to the provisions of this Act, the executive authority of the Federation extends—

(*a*) to the matters with respect to which the Federal Legislature has power to make laws ;

(*b*) to the raising in British India on behalf of His Majesty of naval, military and air forces and to the governance of His Majesty's forces borne on the Indian establishment ;

(*c*) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufferance, or otherwise in and in relation to the tribal areas :

Provided that

(*i*) the said authority does not, save as expressly provided in this Act, extend in any Province to matters with respect to which the Provincial Legislature has power to make laws ;

(*ii*) the said authority does not, save as expressly provided in this Act, extend in any Federated State save to matters with respect to which the Federal Legislature has power to make laws for that State, and the exercise thereof in each State shall be subject to such limitations, if any, as may be specified in the Instrument of Accession of the State ;

(*iii*) the said authority does not extend to the enlistment or enrolment in any forces raised in India of any person unless he is either a subject of His Majesty or a native of India or of territories adjacent to India ; and

(*iv*) commissions in any such force shall be granted by His Majesty save in so far as he may be pleased to delegate that power by virtue of the provisions of Part I of this Act or otherwise.

(2) The executive authority of the Ruler of a Federated State shall, notwithstanding anything in this section, continue to be exercisable in that State with respect to matters with respect to which the Federal Legislature has power to make laws for that State except in so far as the executive authority of the Federation becomes exercisable in the State to the exclusion of the executive authority of the Ruler by virtue of a Federal law.

Administration of Federal Affairs

9. (1) There shall be a council of ministers, not exceeding ten in number, to aid and advise the Governor-General in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion :

Provided that nothing in this sub-section shall be construed as preventing the Governor-General from exercising his individual judgement in any case where by or under this Act he is required so to do.

(2) The Governor-General in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is by or under this Act required to act in his discretion or to exercise his individual judgement, the decision of the Governor-General in his discretion

shall be final, and the validity of anything done by the Governor-General shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgement.

10. (1) The Governor-General's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

(2) A minister who for any period of six consecutive months is not a member of either Chamber of the Federal Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Federal Legislature may from time to time by Act determine and, until the Federal Legislature so determine, shall be determined by the Governor-General :

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any and, if so, what advice was tendered by ministers to the Governor-General shall not be inquired into in any court.

(5) The functions of the Governor-General with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion.

11. (1) The functions of the Governor-General with respect to defence and ecclesiastical affairs and with respect to external affairs, except the relations between the Federation and any part of His Majesty's dominions, shall be exercised by him in his discretion, and his functions in or in relation to the tribal areas shall be similarly exercised.

(2) To assist him in the exercise of those functions the Governor-General may appoint counsellors, not exceeding three in number, whose salaries and conditions of service shall be such as may be prescribed by His Majesty in Council.

12. (1) In the exercise of his functions the Governor-General shall have the following special responsibilities, that is to say—

(*a*) the prevention of any grave menace to the peace or tranquillity of India or any part thereof ;

(*b*) the safeguarding of the financial stability and credit of the Federal Government ;

(*c*) the safeguarding of the legitimate interests of minorities ;

(*d*) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights

provided or preserved for them by or under this Act and the safeguarding of their legitimate interests ;

(*e*) the securing in the sphere of executive action of the purposes which the provisions of chapter III of part V of this Act are designed to secure in relation to legislation ;

(*f*) the prevention of action which would subject goods of United Kingdom or Burmese origin imported into India to discriminatory or penal treatment ;

(*g*) the protection of the rights of any Indian State and the rights and dignity of the ruler thereof ; and

(*h*) the securing that the due discharge of his functions with respect to matters with respect to which he is by or under this act required to act in his discretion, or to exercise his Individual judgment, is not prejudiced or impeded by any course of action taken with respect to any other matter.

(2) If and in so far as any special responsibility of the Governor-General is involved, he shall in the exercise of his functions exercise his individual judgment as to the action to be taken.

13. (1) The Secretary of state shall lay before Parliament the draft of any Instrument of Instructions (including any Instrument amending or revoking an Instrument previously issued) which it is proposed to recommend His Majesty to issue to the Governor-General, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instrument may be issued.

(2) The validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

14. (1) In so far as the Governor-General is by or under this Act required to act in his discretion or to exercise his individual judgement, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by the Secretary of State, but the validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this action.

(2) Before giving any directions under this section the Secretary of state shall satisfy himself that nothing in the directions requires the Governor-General to act in any manner inconsistent with any Instrument of Instructions issued to him by His Majesty.

15. *Financial Adviser to Governor-General.*

16. *Advocate-General for Federation.*

17. (1) All executive action of the Federal Government shall be expressed to be taken in the name of the Governor-General.

(2) Orders and other instruments made and executed in the name of the Governor-General shall be authenticated in such manner as may be specified in rules to be made by the Governor-General, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor-General.

(3) The Governor-General shall make rules for the more convenient transaction of the business of the Federal Government, and for the allocation among ministers of the said business in so far as it is not business with respect to which the Governor-General is by or under this Act required to act in his discretion.

(4) The rules shall include provisions requiring ministers and secretaries to Government to transmit to the Governor-General all such information with respect to the business of the Federal Government as may be specified in the rules, or as the Governor-General may otherwise require to be so transmitted, and in particular requiring a minister to bring to the notice of the Governor-General, and the appropriate secretary to bring to the notice of the minister concerned and of the Governor-General, any matter under consideration by him which involves, or appears to him likely to involve, any special responsibility of the Governor-General.

(5) In the discharge of his functions under sub-sections (2), (3) and (4) of this section the Governor-General shall act in his discretion after consultation with his ministers.

CHAPTER III

THE FEDERAL LEGISLATURE

General

18. (1) There shall be a Federal Legislature which shall consist of His Majesty, represented by the Governor-General, and two Chambers, to be known respectively as the Council of State and the House of Assembly (in this Act referred to as 'the Federal Assembly').

(2) The Council of State shall consist of one hundred and fifty-six representatives of British India and not more than one hundred and four representatives of the Indian States, and the Federal Assembly shall consist of two hundred and fifty representa-

tives of British India and not more than one hundred and twenty-five representatives of the Indian States.

(3) The said representatives shall be chosen in accordance with the provisions in that behalf contained in the First Schedule to this Act.

(4) The Council of State shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provisions in that behalf contained in the said First Schedule.

(5) Every Federal Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

19-29. *Refer to certain general provisions regarding Federal Legislature and its Members such as prorogation and dissolution, officers of the Legislature, privileges of Members, salaries and the like.*

Legislative Procedure

30. (1) Subject to the special provisions of this Part of this Act with respect to financial Bills, a Bill may originate in either Chamber.

(2) Subject to the provisions of the next succeeding section, a Bill shall not be deemed to have been passed by the Chambers of the Legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as are agreed to by both Chambers.

(3) A Bill pending in the Legislature shall not lapse by reason of the prorogation of the Chambers.

(4) A Bill pending in the Council of State which has not been passed by the Federal Assembly shall not lapse on a dissolution of the Assembly.

(5) A Bill which is pending in the Federal Assembly or which having been passed by the Federal Assembly is pending in the Council of State shall, subject to the provisions of the next succeeding section, lapse on a dissolution of the Assembly.

31. (1) If after a Bill has been passed by one Chamber and transmitted to the other Chamber--

(*a*) the Bill is rejected by the other Chamber ; or

(*b*) the Chambers have finally disagreed as to the amendments to be made in the Bill ; or

(*c*) more than six months elapse from the date of the reception of the Bill by the other Chamber without the Bill being presented to the Governor-General for his assent, the Governor-General may, unless the Bill has lapsed by reason of a dissolution of the Assembly, notify to the Chambers, by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill :

Provided that, if it appears to the Governor-General that the Bill relates to finance or to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgement, he may so notify the Chambers notwithstanding that there has been no rejection of or final disagreement as to the Bill and notwithstanding that the said period of six months has not elapsed, if he is satisfied that there is no reasonable prospect of the Bill being presented to him for his assent without undue delay.

In reckoning any such period of six months as is referred to in this subsection, no account shall be taken of any time during which the Legislature is prorogued or during which both Chambers are adjourned for more than four days.

(2) Where the Governor-General has notified his intention of summoning the Chambers to meet in a joint sitting, neither Chamber shall proceed further with the Bill, but the Governor-General may at any time in the next session after the expiration of six months from the date of his notification summon the Chambers to meet in a joint sitting for the purpose specified in his notification and, if he does so, the Chambers shall meet accordingly ;

Provided that, if it appears to the Governor-General that the Bill is such a Bill as is mentioned in the proviso to sub-section (1) of this section, he may summon the Chambers to meet in a joint sitting for the purpose aforesaid at any date, whether in the same session or in the next session.

(3) The functions of the Governor-General under the provisos to the two last preceding sub-sections shall be exercised by him in his discretion.

(4) If at the joint sitting of the two Chambers the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Chambers present and voting, it shall be deemed for the purposes of this Act to have been passed by both Chambers :

Provided that at a joint sitting—

(*a*) if the Bill, having been passed by one Chamber, has not been passed by the other Chamber with amendments and returned to the Chamber in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill ;

(*b*) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Chambers have not agreed, and the decision of the person, presiding as to the amendments which are admissible under this sub-section shall be final.

(5) A joint sitting may be held under this section and a Bill passed thereat notwithstanding that a dissolution of the Assembly has intervened since the Governor-General notified his intention to summon the Chambers to meet therein.

32. (1) When a Bill has been passed by the Chambers, it shall be presented to the Governor-General, and the Governor-General shall in his discretion declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the signification of His Majesty's pleasure :

Provided that the Governor-General may in his discretion return the Bill to the Chambers with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and the Chambers shall reconsider the Bill accordingly.

(2) A Bill reserved for the signification of His Majesty's pleasure shall not become an Act of the Federal Legislature unless and until, within twelve months from the day on which it was presented to the Governor-General, the Governor-Goneral makes known by public notifiication that His Majesty has assented thereto.

(3) Any Act assented to by the Governor-General may be disallowed by His Majesty within twelve months from the day of the Governor-General's assent, and where any Act is so disallowed the Governor-General shall forthwith make the disallowance known by public notification, and as from the date of the notification the Act shall become void.

Procedure in Financial Matters

33. (1) The Governor-General shall in respect of every financial year cause to be laid before both Chambers of the Federal Legislature a statement of the estimated receipts and expenditure of the Federation for that year, in this Part of this Act referred to as the 'annual financial statement'.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(*a*) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Federation ; and

(*b*) the sums required to meet other expenditure proposed to be made from the revenues of the Federation,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor-General has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of the Federation ;

(*a*) the salary and allowances of the Governor-General and other expenditure relating to his office for which provision is required to be made by Order in Council :

(*b*) debt charges for which the Federation is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt ;

(*c*) the salaries and allowances of ministers, of counsellors, of the financial adviser, of the advocate-general, of chief commissioners, and of the staff of the financial adviser ;

(*d*) the salaries, allowances, and pensions payable to or in respect of judges of the Federal Court, and the pensions payable to or in respect of judges of any High Court ;

(*e*) expenditure for the purpose of the discharge by the Governor-General of his functions with respect to defence and ecclesiastical affairs, his functions with respect to external affairs, in so far as he is by or under this Act required in the exercise thereof to act in his discretion, his functions in or in relation to tribal areas, and his functions in relation to the administration of any territory in the direction and control of which he is under this Act required to act in his direction : provided that the sum so charged

in any year in respect of expenditure on ecclesiastical affairs shall not exceed forty-two lakhs of rupees, exclusive of pension charges ;

(*f*) the sums payable to His Majesty under this Act out of the revenues of Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States ;

(*g*) any grants for purposes connected with the administration of any areas in a Province which are for the time being excluded areas ;

(*h*) any sums required to satisfy any judgement, decree or award of any court or arbitral tribunal ;

(*i*) any other expenditure declared by this Act or any Act of the Federal Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Federation shall be decided by the Governor-General in his discretion.

34. (1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of the Federation shall not be submitted to the vote of the Legislature, but nothing in this sub-section shall be construed as preventing the discussion in either Chamber of the Legislature of any of those estimates other than estimates relating to expenditure referred to in paragraph (*a*) or paragraph (*f*) of sub-section (3) of the last preceding section.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Federal Assembly and thereafter to the Council of State, and either Chamber shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein :

Provided that, where the Assembly have refused to assent to any demand, that demand shall not be submitted to the Council of State, unless the Governor-General so directs and, where the Assembly have assented to a demand subject to a reduction of the amount specified therein, a demand for the reduced amount only shall be submitted to the Council of State, unless the Governor-General otherwise directs ; and where, in either of the said cases, such a direction is given, the demand submitted to the Council of State shall be for such amount, not being a greater amount than that originally demanded, as may be specified in the direction.

(3) If the Chambers differ with respect to any demand the Governor-General shall summon the two Chambers to meet in a joint

sitting for the purpose of deliberating and voting on the demand as to which they disagree, and the decision of the majority of the members of both Chambers present and voting shall be deemed to be the decision of the two Chambers.

(4) No demand for a grant shall be made except on the recommendation of the Governor-General.

35. (1) The Governor-General shall authenticate by his signature a schedule specifying—

(*a*) the grants made by the Chambers under the last preceding section ;

(*b*) the several sums required to meet the expenditure charged on the revenues of the Federation but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Legislature :

Provided that, if the Chambers have not assented to any demand for a grant or have assented subject to a reduction of the amount specified therein, the Governor-General may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility.

(2) The schedule so authenticated shall be laid before both Chambers but shall not be open to discussion or vote therein.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the Federation shall be deemed to be duly authorized unless it is specified in the schedule so authenticated.

36. *Supplementary statements of expenditure.*

37. *Special provisions as to financial Bills : Provides that financial Bills should not be introduced or moved except on the recommendation of the Governor-General.*

Procedure Generally

38-40. *Refer to rules of procedure in the Legislature.*

41. *Lays down that the courts have no power to inquire into proceedings of the Legislature.*

CHAPTER IV

LEGISLATIVE POWERS OF GOVERNOR-GENERAL

42. (1) If at any time when the Federal Legislature is not in session the Governor-General is satisfied that circumstances exist

which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require :

Provided that the Governor-General—

(*a*) shall exercise his individual judgement as respects the promulgation of any ordinance under this section if a Bill containing the same provisions would under this Act have required his previous sanction to the introduction thereof into the Legislature ; and

(*b*) shall not, without instructions from His Majesty, promulgate any such ordinance if he would have deemed it necessary to reserve a Bill containing the same provisions for the signification of His Majesty's pleasure thereon.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Federal Legislature assented to by the Governor-General, but every such ordinance—

(*a*) shall be laid before the Federal Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or, if before the expiration of that period resolutions disapproving it are passed by both Chambers, upon the passing of the second of those resolutions ;

(*b*) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Federal Legislature assented to by the Governor-General ; and

(*c*) may be withdrawn any time by the Governor-General.

(3) If and so far as an ordinance under this section makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

43. (1) If at any time the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discertion or to exercise his individual judgement, he may promulgate such ordinances as in his opinion the circumstances of the case require.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a subsequent ordinance be extended for a further period not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the Federal Legislature assented to by the Governor-General, but every such ordinance—

(*a*) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Federal Legislature assented to by the Governor-General ;

(*b*) may be withdrawn at any time by the Governor-General ; and

(*c*) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so far as an ordinance under this section makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

(5) The functions of the Governor-General under this section shall be exercised by him in his discretion.

44. (1) If at any time it appears to the Governor-General that, for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgement, it is essential that provision should be made by legislation, he may by message to both Chambers of the Legislature explain the circumstances which in his opinion render legislation essential, and either—

(*a*) enact forthwith, as a Governor-General's Act, a Bill containing such provisions as he considers necessary ; or

(*b*) attach to his message a draft of the Bill which he considers necessary.

(2) Where the Governor-General takes such action as is mentioned in paragraph (*b*) of the preceding sub-section, he may at any time after the expiration of one month enact, as a Governor-General's Act, the Bill proposed by him to the Chambers either in the form of the draft communicated to them or with such amendments as he deems necessary, but before so doing he shall consider any address which may have been presented to him within the said period by either Chamber with reference to the Bill or to amendments suggested to be made therein.

(3) A Governor-General's Act shall have the same force and effect, and shall be subject to disallowance in the same manner, as an

Act of the Federal Legislature assented to by the Governor-General and, if and in so far as a Governor-General's Act makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

(4) Every Governor-General's Act shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(5) The functions of the Governor-General under this section shall be exercised by him in his discretion.

CHAPTER V

PROVISIONS IN CASE OF FAILURE OF CONSTITUTIONAL MACHINERY

45. (1) If at any time the Governor-General is satisfied that a situation has arisen in which the government of the Federation cannot he carried on in accordance with the provisions of this Act, he may by Proclamation—

(*a*) declare that his functions shall to such extent as may be specified in the Proclamation be exercised by him in his discretion ;

(*b*) assume to himself, all or any of the powers vested in or exercisable by any Federal body or authority,

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part of the operation of any provisions of this Act relating to any Federal body or authority :

Provided that nothing in this sub-section shall authorize the Governor-General to assume to himself any of the powers vested in or exercisable by the Federal Court or to suspend, either in whole or in part, the operation of any provision of this Act relating to the Federal Court.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation issued under this section —

(*a*) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament ;

(*b*) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months :

Provided that, if and so often as a resolution approving the

continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this sub-section it would otherwise have ceased to operate.

(4) If at any time the government of the Federation has for a continuous period of three years been carried on under and by virtue of a Proclamation issued under this section, then, at the expiration of that period, the Proclamation shall cease to have effect and the government of the Federation shall be carried on in accordance with the other provisious of this Act, subject to any amendment thereof which Parliament may deem it necessary to make, but nothing in this sub-section shall be construed as extending the power of Parliament to make amendments in this Act without affecting the accession of a State.

(5) If the Governor-General, by a Proclamation under this section, assumes to himself any power of the Federal Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature, and any reference in this Act to Federal Acts, Federal laws, or Acts or laws of the Federal Legislature shall be construed as including a reference to such a law.

(6) The functions of the Governor-General under this section shall be exercised by him in his discretion.

PART III

THE GOVERNORS' PROVINCES

CHAPTER I

THE PROVINCE

46. (1) Subject to the provisions of the next succeeding section with respect to Berar, the following shall be Governors' Provinces, that is to say, Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces and Berar, Assam, the North-West Frontier Province, Orissa, Sind, and such other Governors' Provinces as may be created under this Act.

(2) Burma shall cease to be part of India.

(3) *Defines the expressions 'Province' and 'Provincial'.*

47. *Provisions as to Berar.*

CHAPTER II

THE PROVINCIAL EXECUTIVE

The Governor

48. (1) The Governor of a Province is appointed by His Majesty by a Commission under the Royal Sign Manual.

(2) The provisions of the Third Schedule to this Act shall have effect with respect to the salary and allowances of the Governor and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office.

49. (1) The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal or the Provincial Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred by any exisiting Indian law on any court, judge, or officer or any local or other authority.

(2) Subject to the provisions of this Act, the executive authority of each Province extends to the matter with respect to which the Legislature of the Province has power to make laws.

Administration of Provincial Affairs

50-51. *The Council of Ministers and other provisions as to Ministers corresponding to Sections 9 and 10 above.*

52. *Special responsibilities of Governor : Corresponding to section 12 above. Provisions for the protection of the excluded areas and Berar also included.*

53. *Provisions as to the Instrument of Instructions : Corresponding to section 13 above.*

54. (1) In so far as the Governor of a Province is by or under this Act required to act in his discretion or to exercise his individual judgement, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Governor-General in his discretion, but the validity of anything done by a Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

(2) Before giving any directions under this section, the Governor-General shall satisfy himself that nothing in the directions requires the Governor to act in any manner inconsistent with any Instrument of Instructions issued to the Governor by His Majesty.

55. *Advocate-General for Province.*

56. Where it is proposed that the Governor of a Province should by virtue of any powers vested in him make or amend, or approve the making or amendment of, any rules, regulations or orders relating to any police force, whether civil or military, he shall exercise his individual judgement with respect to the proposal, unless it appears to him that the proposal does not relate to or affect the organization or discipline of that force.

57. (1) If it appears to the Governor of a Province that the peace or tranquillity of the Province is endangered by the operations of any persons committing, or conspiring, preparing or attempting to commit, crimes of violence which, in the opinion of the Governor, are intended to overthrow the government as by law established, the Governor may, if he thinks that the circumstances of the case require him so to do for the purpose of combating those operations, direct that his functions shall, to such extent as may be specified in the direction, be exercised by him in his discretion and, until otherwise provided by a subsequent direction of the Governor, those functions shall to that extent be exercised by him accordingly.

(2) While any such direction is in force, the Governor may authorize an official to speak in and otherwise take part in the proceedings of the Legislature, and any official so authorized may speak and take part accordingly in the proceedings of the Chamber or Chambers of the Legislature, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member by the Governor, but shall not be entitled to vote.

(3) The functions of the Governor under this section shall be exercised by him in his discretion.

(4) Nothing in this section affects the special responsibility of the Governor for the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof.

58. The Governor in his discretion shall make rules for securing that no records or information relating to the sources from which information has been or may be obtained with respect to the operations of persons committing, or conspiring, preparing, or attempting to commit, such crimes as are mentioned in the last preceding section, shall be disclosed or given—

(*a*) by any member of any police force in the Province to another member of that force except in accordance with directions of the Inspector-General of Police or Commissioner of Police, as the case may be, or to any other person except in accordance with directions of the Governor in his discretion ; or

(*b*) by any other person in the service of the Crown in the Province to any person except in accordance with directions of the Governor in his discretion.

59. *Conduct of business of the Provincial Government : Corresponding to section 17 above.*

CHAPTER III

THE PROVINCIAL LEGISLATURE

General

60. (1) There shall for every Province be a Provincial Legislature which shall consist of His Majesty, represented by the Governor, and—

(*a*) in the Provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam, two Chambers ;

(*b*) in other Provinces, one Chamber.

(2) Where there are two Chambers of a Provincial Legislature, they shall be known respectively as the Legislative Council and the Legislative Assembly, and where there is only one Chamber, the Chamber shall be known as the Legislative Assembly.

61. (1) The composition of the Chamber or Chambers of the Legislature of a Province shall be such as is specified in relation to that Province in the Fifth Schedule to this Act,

(2) Every Legislative Assembly of every Province, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

(3) Every Legislative Council shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof, shall retire in every third year in accordance with the provision in that behalf made in relation to the Province under the said Fifth Schedule.

62-72. *Refer to certain general provisions regarding the Provincial Legislatures and their members such as prorogation and dissolution, officers of the Legislature, privileges of members, salaries and the like.*

Legislative Procedure

73-77. *Legislative procedure : Corresponding to sections 31-2 above. Only in the case of the Provincial Legislatures, a joint sitting of the two Chambers to be held if no agreement is reached between them within 12 months, instead of 6 months as in the case of the Federal Legislature.*

Procedure in Financial matters

78-80. *Annual financial statement, etc. : Corresponding to sections 33-5 above.*

81. *Supplementary statements of expenditure.*

82. *Special provisions as to financial Bills : Corresponding to section 37 above.*

83. *Provides for educational grants for the benefit of the Anglo-Indian and European communities.*

Procedure generally

84-87. *Refer to procedure generally in the Legislature.*

CHAPTER IV

LEGISLATIVE POWERS OF GOVERNOR

88-90. *Corresponding to sections 42-4 above.*

CHAPTER V

EXCLUDED AREAS AND PARTIALLY EXCLUDED AREAS

91-92. *Provide for the creation and administration of excluded and partially excluded areas and their administration.*

CHAPTER VI

PROVISIONS IN CASE OF FAILURE OF CONSTITUTIONAL MACHINERY

93. *Power of Governor to issue proclamations : Corresponding to section 45 above. The functions of the Governor under this section to be exercised by him in his discretion.*

PART IV

THE CHIEF COMMISSIONERS' PROVINCES

94-98. *Provide for the administration of the Chief Commissioners' Provinces which are enumerated as follows : 'the heretofore existing Chief Commissioners' Provinces of British Baluchistan, Delhi, Ajmer-Merwara, Coorg and the Andaman and Nicobar Islands, the area known as Panth Piploda, and such other Chief Commissioners' Provinces as may be created under this Act.'*

PART V

LEGISLATIVE POWERS

CHAPTER I

DISTRIBUTION OF POWERS

99. (1) Subject to the provisions of this Act, the Federal, Legislature may make laws for the whole or any part of British

India or for any Federated State, and a Provincial Legislature may make laws for the Province or for any part thereof.

(2) Without prejudice to the generality of the powers conferred by the preceding sub-section, no Federal law shall, on the ground that it would have extra territorial operation, be deemed to be invalid in so far as it applies—

(*a*) to British subjects and servants of the Crown in any part of India ; or

(*b*) to British subjects who are domiciled in any part of India wherever they may be ; or

(*c*) to, or to persons on, ships or aircraft registered in British India or any Federated State wherever they may be ; or

(*d*) in the case of a law with respect to a matter accepted in the Instrument of Accession of a Federated State as a matter with respect to which the Federal Legislature may make laws for that State, to subjects of that State wherever they may be ; or

(*e*) in the case of a law for the regulation or discipline of any naval, military, or air force raised in British India, to members of, and persons attached to, employed with or following, that force, wherever they may be.

100. (1) Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the 'Federal Legislative List').

(2) Notwithstanding anything in the next succeeding sub-section, the Federal Legislature, and, subject to the preceding sub-section, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III in the said Schedule (hereinafter called the 'Concurrent Legislative List').

(3) Subject to the two preceding sub-sections, the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the 'Provincial Legislative List').

(4) The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a Province or any part thereof.

101. Nothing in this Act shall be construed as empowering the Federal Legislature to make laws for a Federated State otherwise

than in accordance with the Instrument of Accession of that State and any limitations contained therein.

102. (1) Notwithstanding anything in the preceding sections of this chapter, the Federal Legislature shall, if the Governor-General has in his discretion declared by Proclamation (in this Act referred to as a 'Proclamation of Emergency') that a grave emergency exists whereby the security of India is threatened, whether by war or internal disturbance, have power to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial Legislative List :

Provided that no Bill or amendment for the purposes aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, and the Governor-General shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency.

(2) Nothing in this section shall restrict the power of a Provincial Legislature to make any law which under this Act it has power to make, but if any provision of a Provincial law is repugnant to any provision of a Federal law, which the Federal Legislature has under this section power to make, the Federal law, whether passed before or after the Provincial law shall prevail, and the Provincial law shall to the extent of the repugnancy, but so long only as the Federal law continues to have effect, be void.

(3) A Proclamation of Emergency—

(*a*) may be revoked by a subsequent Proclamation ;

(*b*) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament ; and

(*c*) shall cease to operate at the expiration of six months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

(4) A law made by the Federal Legislature which that Legislature would not but for the issue of a Proclamation of Emergency have been competent to make, shall cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.

103. If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are

passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province.

104. (1) The Governor-General may by public notification empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists in the Seventh Schedule to this Act, including a law imposing a tax not mentioned in any such list, and the executive authority of the Federation or of the Province, as the case may be, shall extend to the administration of any law so made, unless the Governor-General otherwise directs.

(2) In the discharge of his functions under this section the Governor-General shall act in his discretion.

105. *Application of Naval Discipline Act to Indian naval forces.*

106. (1) The Federal Legislature shall not by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries have power to make any law for any Province except with the previous consent of the Governor, or for a Federated State except with the previous consent of the Ruler thereof.

(2) So much of any law as is valid only by virtue of any such entry as aforesaid may be repealed by the Federal Legislature and may, on the treaty or agreement in question ceasing to have effect, be repealed as respects any Province or State by a law of that Province or State.

(3) Nothing in this section applies in relation to any law which the Federal Legislature has power to make for a Province or, as the case may be, a Federated State, by virtue of any other entry in the Federal or the Concurrent Legislative List as well as by virtue of the said entry.

107. (1) If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing Indian law, shall prevail and the Provincial law shall, to the extent of the repugnancy, be void.

(2) Where a Provincial law with respect to one of the matters enumerated in the Concurrent Legislative List contains any provision

repugnant to the provisions of an earlier Federal law or an existing Indian law with respect to that matter, then, if the Provincial law, having been reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure, has received the assent of the Governor-General or of His Majesty, the Provincial law shall in that Province prevail, but nevertheless the Federal Legislature may at any time enact further legislation with respect to the same matter :

Provided that no Bill or amendment for making any provision repugnant to any Provincial law, which, having been so reserved, has received the assent of the Governor-General or of His Majesty, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

(3) If any provision of a law of a Federated State is repugnant to a Federal law which extends to that State, the Federal law, whether passed before or after the law of the State, shall prevail, and the law of the State shall, to the extent of the repugnancy, be void.

CHAPTER II

RESTRICTIONS ON LEGISLATIVE POWERS

108. (1) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature, any Bill or amendment which—

(*a*) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India ; or

(*b*) repeals, amends or is repugnant to any Governor-General's or Governor's Act, or any ordinance promulgated in his discretion by the Governor-General or a Governor ; or

(*c*) affects matters as respects which the Governor-General is, by or under this Act, required to act in his discretion ; or

(*d*) repeals, amends or affects any Act relating to any police force ; or

(*e*) affects the procedure for criminal proceedings in which European British subjects are concerned ; or

(*f*) subjects persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed

in British India to greater taxation than companies wholly controlled and managed therein ; or

(*g*) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom.

(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—

(*a*) repeals, amends, or is repugnant to any provisions of any Act of Parliament extending to British India ; or

(*b*) repeals, amends or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General ; or

(*c*) affects matters as respects which the Governor-General is by or under this Act, required to act in his discretion ; or

(*d*) affects the procedure for criminal proceedings in which European British subjects are concerned ;

and unless the Governor of the Province in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which—

(*i*) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor ; or

(*ii*) repeals, amends or affects any Act relating to any police force.

(3) Nothing in this section affects the operation of any other provision in this Act which requires the previous sanction of the Governor-General or of a Governor to the introduction of any Bill or the moving of any amendment.

109. *Requirements as to previous sanction or recommendation of the Governor-General or Governor in certain cases to be regarded as matters of procedure only.*

110. Nothing in this Act shall be taken—

(*a*) to affect the power of Parliament to legislate for British India, or any part thereof ; or

(*b*) to empower the Federal Legislature, or any Provincial Legislature—

(*i*) to make any law affecting the Sovereign or the Royal Family, or the Succession to the Crown, or the sover-

eignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize courts ; or

(*ii*) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law amending any provision of this Act, or any Order in Council made thereunder, or any rules made under this Act by the Secretary of State, or by the Governor-General or a Governor in his discretion, or in the exercise of his individual judgement ; or

(*iii*) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law derogating from any prerogative right of His Majesty to grant special leave to appeal from any court.

CHAPTER III

PROVISIONS WITH RESPECT TO DISCRIMINATION, ETC.

111. (1) Subject to the provisions of this chapter, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Federal or Provincial law as—

(*a*) imposes any restriction on the right of entry into British India ; or

(*b*) imposes by reference to place of birth, race, descent, language, religion, domicile, residence or duration of residence, any disability, liability, restriction or condition in regard to travel, residence, the acquisition, holding, or disposal of property, the holding of public office, or the carrying on of any occupation, trade, business or profession :

Provided that no person shall by virtue of this sub-section be entitled to exemption from any such restriction, condition, liability or disability as aforesaid if and so long as British subjects domiciled in British India are by or under the law of the United Kingdom subject in the United Kingdom to a like restriction, condition, liability imposed in regard to the same subject matter by reference to the same principle of distinction.

(2) For the purpose of the preceding sub-section, a provision, whether of the law of British India or of the law of the United Kingdom, empowering any public authority to impose quarantine regulations, or to exclude or deport individuals, wherever domiciled, who appear to that authority to be undesirable persons, shall not be deemed to be a restriction on the right of entry.

(3) Notwithstanding anything in this section, if the Governor-General or, as the case may be, the Governor of any Province, by public notification certifies that for the prevention of any grave menace to the peace or tranquillity of any part of India or, as the case may be, of any part of the Province, or for the purpose of combating crimes of violence intended to overthrow the Government, it is expedient that the operation of the provisions of sub-section (1) of this section should be wholly or partially suspended in relation to any law, then while the notification is in force the operation of those provisions shall be suspended accordingly.

The functions of the Governor-General and of a Governor under this sub-section shall be exercised by him in his discretion.

112-115. *Taxation : Provide against discriminatory taxation in respect of British subjects domiciled in the United Kingdom and companies incorporated and ships registered in the United Kingdom.*

116. *Company incorporated in the United Kingdom not to be discriminated against in respect of subsidies for the encouragement of trade or industry, provided :*

(*a*) *the company is incorporated by or under the laws of British India or, if the Act so provides, is incorporated by or under the laws of British India or of a Federated State ; and*

(*b*) *such proportion, not exceeding one half, of the members of its governing body as the Act may prescribe, are British subjects domiciled in India or, if the Act so provides, are either British subjects domiciled in India or subjects of a Federated State ; and*

(*c*) *the company gives such reasonable facilities as may be so prescribed for the training of British subjects domiciled in India or, if the Act so provides, of British subjects domiciled in India or subjects of a Federated State.*

117. *Supplemental.*

118. (1) If after the establishment of the Federation a convention is made between His Majesty's Government in the United Kingdom and the Federal Government whereby similarity of treatment is assured in the United Kingdom to British subjects domiciled in British India and to companies incorporated by or under the laws of British India and in British India to British subjects domiciled in the United Kingdom and to companies incorporated by or under the laws of the United Kingdom, respectively, in respect of the matters, or any of the matters, with regard to which provision is made in the preceding sections of this chapter, His Majesty may, if he is satisfied that all necessary legislation has been enacted both

in the United Kingdom and in India for the purpose of giving effect to the convention, by Order in Council declare that the purposes of those sections are to such extent as may be specified in the Order sufficiently fulfilled by that convention and legislation, and while any such Order is in force, the operation of those sections shall to that extent be suspended.

(2) An Order in Council under this section shall cease to have effect if and when the convention to which it relates expires or is terminated by either party thereto.

119-21. *Provisions to safeguard persons holding British medical and other professional and technical qualifications, officers of the Indian Medical Service, etc.*

PART VI

ADMINISTRATIVE RELATIONS BETWEEN FEDERATION, PROVINCES AND STATES

General

122. (1) The executive authority of every Province and Federated State shall be so exercised as to secure respect for the laws of the Federal Legislature which apply in that Province or State.

(2) The reference in sub-section (1) of this section to laws of the Federal Legislature shall, in relation to any Province, include a reference to any existing Indian law applying to that Province.

(3) Without prejudice to any of the other provisions of this Part of this Act, in the exercise of the executive authority of the Federation in any Province or Federated State regard shall be had to the interests of that Province or State.

123-5. *Provisions for enabling the Provincial and the State Governments to act as agents in the administration of Federal Acts.*

126. (1) The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.

(2) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Act of the Federal Legislature which relates to a matter specified in Part II of the Concurrent Legislative List and authorizes the giving of such directions :

Provided that a Bill or amendment which proposes to authorize the giving of any such directions as aforesaid shall not be introduced

into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

(3) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of military importance :

Provided that nothing in this sub-section shall be taken as restricting the power of the Federation to construct and maintain means of communication as part of its functions with respect to naval, military and air force works.

(4) If it appears to the Governor-General that in any Province effect has not been given to any directions given under this section, the Governor-General, acting in his discretion, may issue as orders to the Governor of that Province either the directions previously given or those directions modified in such manner as the Governor-General thinks proper.

(5) Without prejudice to his powers under the last preceding sub-section, the Governor-General, acting in his discretion, may at any time issue orders to the Governor of a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace and tranquillity of India or of any part thereof.

127. *Acquisition of land for Federal purposes.*

128. (1) The executive authority of every Federated State shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation so far as it is exercisable in the State by virtue of a law of the Federal Legislature which applies therein.

(2) If it appears to the Governor-General that the Ruler of any Federated State has in any way failed to fulfil his obligations under the preceding sub-section, the Governor-General, acting in his discretion, may after considering any representations made to him by the Ruler issue such directions to the Ruler as he thinks fit :

Provided that, if any question arises under this section as to whether the executive authority of the Federation is exercisable in a State with respect to any matter or as to the extent to which it is so exercisable, the question may, at the instance either of the Federation or the Ruler, be referred to the Federal Court for determination by that Court in the exercise of its original jurisdiction under this Act.

Broadcasting

129. *Broadcasting.*

Interference with Water Supplies

130-4. *Provide for the settlement of disputes between the units of the Federation in respect of water supply with an ultimate right of appeal to His Majesty in Council.*

Inter-Provincial Co-operation

135. If at any time it appears to His Majesty upon consideration of representations addressed to him by the Governor-General that the public interests would be served by the establishment of an Inter-Provincial Council charged with the duty of—

(*a*) inquiring into and advising upon disputes which may have arisen between Provinces ;

(*b*) investigating and discussing subjects in which some or all of the Provinces, or the Federation and one or more of the Provinces, have a common interest ; or

(*c*) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject,

it shall be lawful for His Majesty in Council to establish such a Council, and to define the nature of the duties to be performed by it and its organization and procedure.

An Order establishing any such Council may make provision for representatives of Indian States to participate in the work of the Council.

PART VII

FINANCE, PROPERTY, CONTRACTS AND SUITS

CHAPTER I

FINANCE

Distribution of Revenues between the Federation and the Federal Units

136. *Meaning of 'Revenues of Federation' and 'Revenues of Province'.*

137. Duties in respect of succession to property other than agricultural land, such stamp duties as are mentioned in the Federal Legislative List, terminal taxes on goods or passengers carried by railway, or air, and taxes on railway fares and freights, shall be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States,

if any, within which that duty or tax is leviable in that year, and shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by Act of the Federal Legislature :

Provided that the Federal Legislature may at any time increase any of the said duties or taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation.

138. (1) Taxes on income other than agricultural income shall be levied and collected by the Federation, but a prescribed percentage of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces or to taxes payable in respect of Federal emoluments, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that tax is leviable in that year, and shall be distributed among the Provinces and those States in such manner as may be prescribed :

Provided that —

(*a*) the percentage originally prescribed under this sub-section shall not be increased by any subsequent Order in Council ;

(*b*) the Federal Legislature may at any time increase the said taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation.

(2) Notwithstanding anything in the preceding sub-section, the Federation may retain out of the moneys assigned by that sub-section to Provinces and States—

(*a*) in each year of a prescribed period such sum as may be prescribed ; and

(*b*) in each year of a further prescribed period a sum less than that retained in the preceding year by an amount, being the same amount in each year, so calculated that the sum to be retained in the last year of the period will be equal to the amount of each such annual reduction :

Provided that—

(*i*) neither of the periods originally prescribed shall be reduced by any subsequent Order in Council ;

(*ii*) the Governor-General in his discretion may in any year of the second prescribed period direct that the sum to be retained by the Federation in that year shall be the

sum retained in the preceding year, and that the second prescribed period shall be correspondingly extended, but he shall not give any such direction except after consultation with such representatives of Federal, Provincial and State interests as he may think desirable, nor shall he give any such direction unless he is satisfied that the maintenance of the financial stability of the Federal Government requires him so to do.

(3) Where an Act of the Federal Legislature imposes a surcharge for Federal purposes under this section, the Act shall provide for the payment by each Federated State in which taxes on income are not leviable by the Federation on a contribution to the revenues of the Federation assessed on such basis as may be prescribed with a view to securing that the contribution shall be the equivalent, as near as may be, of the net proceeds which it is estimated would result from the surcharge if it were leviable in that State, and the State shall become liable to pay that contribution accordingly.

(4) In this section—

'taxes on income' does not include a corporation tax ;

'prescribed' means prescribed by His Majesty in Council ; and

'Federal emoluments' includes all emoluments and pensions payable out of the revenues of the Federation or of the Federal Railway Authority in respect of which income-tax is chargeable.

139. (1) Corporation tax shall not be levied by the Federation in any Federated State until ten years have elapsed from the establishment of the Federation.

(2) Any Federal law providing for the levying of corporation tax shall contain provisions enabling the Ruler of any Federated state in which the tax would otherwise be leviable to elect that the tax shall not be levied in the State, but that in lieu thereof there shall be paid by the State to the revenues of the Federation a contribution as near as may be equivalent to the net proceeds which it is estimated would result from the tax if it were levied in the State.

(3) Where the Ruler of a State so elects as aforesaid, the officers of the Federation shall not call for any information or returns from any corporation in the State, but it shall be the duty of the Ruler thereof to cause to be supplied to the Auditor-General of India such information as the Auditor-General may reasonably require to enable the amount of any such contribution to be determined.

If the Ruler of a State is dissatisfied with the determination as to the amount of the contribution payable by his State in any financial year, he may appeal to the Federal Court, and if he establishes to the satisfaction of that Court that the amount determined is excessive, the Court shall reduce the amount accordingly and no appeal shall lie from the decision of the Court on the appeal.

140. (1) Duties on salt, Federal duties of excise and export duties shall be levied and collected by the Federation but, if an Act of the Federal Legislature so provides, there shall be paid out of the revenues of the Federation to the Provinces and to the Federated States, if any, to which the Act imposing the duty extends, sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall bed istributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by the Act.

(2) Notwithstanding anything in the preceding sub-section, one half, or such greater proportion as His Majesty in Council may determine, of the net proceeds in each year of any export duty on jute or jute products shall not form part of the revenues of the Federation, but shall be assigned to the Provinces or Federated States in which jute is grown in proportion to the respective amounts of jute grown therein.

141. (1) No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression 'agricultural income' as defined for the purposes of the enactments relating to Indian Income-tax, or which affects the principles on which under any of the foregoing provisions of this chapter moneys are or may be distributable to Provinces or States, or which imposes any such federal surcharge as is mentioned in the foregoing provisions of this chapter, shall be introduced or moved in the either Chamber of the Federal Legislature except with the previous sanction of the Governor-General in his discretion.

(2) The Governor-General shall not give his sanction to the introduction of any Bill or the moving of any amendment imposing in any year any such Federal surcharge as aforesaid unless he is satisfied that all practicable economies and all practicable measures for otherwise increasing the proceeds of Federal taxation or the portion thereof retainable by the Federation would not result in the balancing of Federal receipts and expenditure on revenue account in that year.

(3) In this section the expression 'tax or duty in which Provinces interested' means—

(*a*) a tax or duty the whole or part of the net proceeds whereof are assigned to any Provinoe ; or

(*b*) a tax or duty by reference to the net proceeds whereof sums are for the time being payable out of the revenues of the Federation to any Provinces.

142. Such sums as may be prescribed by His Majesty in Council shall be charged on the revenues of the Federation in each year as grants in aid of the revenues of such Provinces as His Majesty may determine to be in need of assistance and different sums may be prescribed for different Provinces :

Provided that, except in the case of the North West Frontier Province, no grant fixed under the section shall be increased by a subsequent Order, unless an address has been presented to the Governor-General by both Chambers of the Federal Legislature for submission to His Majesty praying that the increase may be made.

143. *Savings.*

144. *Calculation of 'net proceeds', etc.*

The Crown and the States

145. There shall be paid to His Majesty by the Federation in each year the sums stated by His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States to be required, whether on revenue account or otherwise, for the discharge of those functions, including the making of any payments in respect of any customary allowances to members of the family or servants of any former Ruler of any territories in India.

146. All cash contributions and payments in respect of loans and other payments due from or by any Indian State which, if this Act had not been passed, would have formed part of the revenues of India, shall be received by His Majesty, and shall, if His Majesty has so directed, be placed at the disposal of the Federation, but nothing in this Act shall derogate from the right of His Majesty, if he thinks fit so to do, to remit at any time the whole or any part of any such contribution or payments.

147. (1) Subject to the provisions of sub-section (3) of this section, His Majesty may, in signifying his acceptance of the Instruments of Accession of a State, agree to remit over a period not exceeding twenty years from the date of the accession of the State to the Federation any cash contributions payable by that State.

(2) Subject as aforesaid, where any territories have been voluntarily ceded to the Crown by a Federated State before the passing of this Act—

(*a*) in return for specific military guarantees, or

(*b*) in return for the discharge of the State from obligations to provide military assistance,

there shall, if His Majesty, in signifying his acceptance of the Instrument of Accession of that State, so directs, be paid to that State, but in the first-mentioned case on condition that the said guarantees are waived, such sums as in the opinion of His Majesty ought to be paid in respect of any such cession as aforesaid.

(3) Notwithstanding anything in this section—

(*a*) every such agreement or direction as aforesaid shall be such as to secure that no such remission or payment shall be made by virtue of the agreement or direction until the Provinces have begun to receive moneys under the section of this chapter relating to taxes on income, and, in the case of a remission, that the remission shall be complete before the expiration of twenty years from the date of the accession to the Federation of the State in question, or before the end of the second prescribed period referred to in sub-section (2) of the said section, whichever first occurs ; and

(*b*) no contribution shall be remitted by virtue of any such agreement save in so far as it exceeds the value of any privilege or immunity enjoyed by the State ; and

(*c*) in fixing the amount of any payments in respect of ceded territories, account shall be taken of the value of any such privilege or immunity.

(4) This section shall apply in the case of any cash contributions the liability for which has before the passing of this Act been discharged by payment of a capital sum or sums, and accordingly His Majesty may agree that the capital sum or sums so paid shall be repaid either by instalments or otherwise, and such repayments shall be deemed to be remissions for the purposes of this section.

(5) In this chapter 'cash contribution' means—

(*a*) periodical contributions in acknowledgement of the suzerainty of His Majesty, including contribution payable in connexion with any arrangement for the aid and protection of a State by His Majesty, and contributions in commutation of any obligation of a State to provide military assistance to His Majesty, or in respect of the maintenance by His Majesty of a special force for service in connexion with a State, or in respect of the maintenance of local military forces or police, or in respect of the expenses of an agent ;

(*b*) periodical contributions fixed on the creation or restoration of a State, or on a re-grant or increase of territory, including annual payments for grants of land on perpetual tenure or for equalization of the value of exchanged territory ;

(*c*) periodical contributions formerly payable to another State but now payable to His Majesty by right of conquest, assignment or lapse.

(6) In this chapter 'privilege or immunity' means any such right, privilege, advantage or immunity of a financial character as is hereinafter mentioned, that is to say—

(*a*) rights, privileges or advantages in respect of, or connected with, the levying of sea customs or the production and sale of untaxed salt ;

(*b*) sums receivable in respect of the abandonment or surrender of the right to levy internal customs duties, or to produce or manufacture salt, or to tax salt or other commodities or goods in transit, or sums receivable in lieu of grants of free salt ;

(*c*) the annual value to the Ruler of any privilege or territory granted in respect of the abandonment or surrender of any such right as is mentioned in the last preceding paragraph ;

(*d*) privileges in respect of free service stamps or the free carriage of State mails on government business ;

(*e*) the privilege of entry free from customs duties of goods imported by sea and transported in bond to the State in question ; and

(*f*) the right to issue currency notes,

not being a right, privilege, advantage or immunity surrendered upon the accession of the State, or one which, in the opinion of His Majesty, for any other reason ought not to be taken into account for the purposes of this chapter.

(7) An Instrument of Accession of a State shall not be deemed to be suitable for acceptance by His Majesty, unless it contains such particulars as appear to His Majesty to be necessary to enable due effect to be given to the provisions of this and the next but one succeeding sections, and in particular provision for determining from time to time the value to be attributed for the purposes of those provisions to any privilege or immunity the value of which is fluctuating or uncertain.

148. Any payments made under the last preceding section and any payments heretofore made to any State by the Governor-General in Council or by any Local Government under any agreements made with that State before the passing of this Act, shall be charged on the revenues of the Federation or on the revenues of the corresponding Province under this Act, as the case may be.

149. Where under the foregoing provisions of this chapter there is made in any year by the Federation to a Federated State any payment or distribution of, or calculated by reference to, the net proceeds of any duty or tax, the value in and for that year of any privilege or immunity enjoyed by that State in respect of any former or existing source of revenue from a similar duty or tax or from goods of the same kind, being a privilege or immunity which has not been otherwise taken into account, shall, if and in so far as the Act of the Federal Legislature under which the payment or distribution is made so provides, be set off against the payment or distribution.

Miscellaneous Financial Provisions

150-1. *Miscellaneous financial provisions such as custody of public moneys, etc.*

152. (1) The functions of the Governor-General with respect to the following matters shall be exercised by him in his discretion, that is to say—

(*a*) the appointment and removal from office of the Governor and Deputy Governors of the Reserve Bank of India, the approval of their salaries and allowances, and the fixing of their terms of office ;

(*b*) the appointment of an officiating Governor or Deputy Governor of the Bank ;

(*c*) the supersession of the Central Board of the Bank and any action consequent thereon ; and

(*d*) the liquidation of the Bank.

(2) In nominating directors of the Reserve Bank of India and in removing from office any director nominated by him, the Governor-General shall exercise his individual judgement.

153. No Bill or amendment which affects the coinage or currency of the Federation or the constitution or functions of the Reserve Bank of India shall be introduced into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

154-60. *Miscellaneous financial provisions such as exemption of certain public property from taxation, relief from double taxation in India and Burma etc.*

CHAPTER II

BORROWING AND AUDIT

Borrowing

161. Upon the commencement of Part III of this Act all powers vested in the Secretary of State in Council of borrowing on the security of the revenues of India shall cease and determine, but nothing in this section affects the provisions of Part XIII of this Act with respect to borrowing in sterling by the Secretary of State.

162-5. *Regulate borrowing by Federal and Provincial Governments.*

Audit and Accounts

166-71. *Audit and accounts.*

CHAPTER III

PROPERTY, CONTRACTS, LIABILITIES, AND SUITS

172-80. *Miscellaneous Provisions. Property, contracts, liabilities and suits.*

PART VIII

THE FEDERAL RAILWAY AUTHORITY

181. *Creates a Federal Railway Authority and lays down its functions.*

182. (1) Not less than three-sevenths of the members of the Authority shall be persons appointed by the Governor-General in his discretion, and the Governor-General shall in his discretion appoint a member of the Authority to be the President thereof.

(2) Subject as aforesaid, the provisions of the English Schedule to this Act, as supplemented or amended by any Act of the Federal Legislature for the time being in force, shall have effect with respect to the appointment, qualifications and conditions or service of members of the Authority, and with respect to the Authority's proceedings, executive staff and liability to income-tax :

Provided that, except with the previous sanction of the Governor-General in his discretion, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature any Bill or any amendments for supplementing or amending the provisions of the said Schedule.

183. (1) The Authority in discharging their functions under this Act shall act on business principles, due regard being had by them to the interests of agriculture, industry, commerce and the general public, and in particular shall make proper provision for meeting out of their receipts on revenue account all expenditure

to which such receipts are applicable under the provisions of this Part of this Act.

(2) In the discharge of their said functions the Authority shall be guided by such instructions on questions of policy as may be given to them by the Federal Government.

If any dispute arises under this subsection between the Federal Government and the authority to whether a question is or is not a question of policy, the decision of the Governor-General in his discretion shall be final.

(3) The provisions of subsection (1) of this section shall apply in relation to the discharge by the Federal Government of their functions with respect to railways as they apply in relation to the functions of the Authority, but nothing in this subsection shall be construed as limiting the powers of the Governor-General under the next succeeding subsection.

(4) The provisions of this Act relating to the special responsibilities of the Governor-General, and to his duty as regards certain matters to exercise his functions in his discretion or to exercise his individual judgement, shall apply as regards matters entrusted to the Authority as if the executive authority of the Federation in regard to those matters were vested in him, and as if the functions of the Authority as regards those matters were the functions of ministers, and the Governor-General may issue to the Authority such directions as he may deem necessary as regards any matter which appears to him to involve any of his special responsibilities, or as regards which he is by or under this Act required to act in his discretion or to exercise his individual judgement, and the Authority shall give effect to any directions so issued to them.

184. (1) The Governor-General exercising his individual judgement, but after consultation with the Authority, may make rules for the more convenient transaction of business arising out of the relations between the Federal Government and the Authority.

(2) The rules shall include provisions requiring the Authority to transmit to the Federal Government all such information with respect to their business as may be specified in the rules, or as the Governor-General may otherwise require to be so transmitted, and in particular provisions requiring the Authority and their chief executive officer to bring to the notice of the Governor-General any matter under consideration by the Authority or by that officer which involves, or appears to them or him likely to involve any special responsibility of the Governor-General.

185-99. *Detailed provisions regarding the conduct of business by the Federal Railway Authority.*

PART IX
THE JUDICATURE
CHAPTER I
THE FEDERAL COURT

200. (1) There shall be a Federal Court consisting of a Chief Justice of India and such number of other judges as His Majesty may deem necessary, but unless and until an address has been presented by the Federal Legislature to the Governor-General for submission to His Majesty praying for an increase in the number of judges, the number of puisne judges shall not exceed six.

(2) Every judge of the Federal Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty-five years :

Provided that—

(*a*) a judge may by resignation under his hand addressed to the Governor-General resign his office ;

(*b*) a judge may be removed from his office by His Majesty by warrant under the Royal Sign Manual on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.

(3) A person shall not be qualified for appointment as a judge of the Federal Court unless he—

(*a*) has been for at least five years a judge of a High Court in British India or in a Federated State ; or

(*b*) is a barrister of England or Northern Ireland of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing ; or

(*c*) has been for at least ten years a pleader of a High Court in British India or in a Federated State or of two or more such Courts in succession :

Provided that—

(*i*) a person shall not be qualified for appointment as Chief Justice of India unless he is, or when first appointed to judicial office was, a barrister, a member of the Faculty of Advocates or a pleader ; and

(*ii*) in relation to the Chief Justice of India, for the references in paragraphs (*b*) and (*c*) of this subsection to ten years there shall be substituted references to fifteen years.

In computing for the purposes of this subsection the standing of a barrister or a member of the Faculty of Advocates, or the period during which a person has been a pleader, any period during which a person has held judicial office after he became a barrister, a member of the Faculty of Advocates or a pleader, as the case may be, shall be included.

(4) *Oath to be taken by a judge of the Federal Court.*

201. The judges of the Federal Court shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave and pensions, as may from time to time be fixed by His Majesty in Council :

Provided that neither the salary of a judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.

202. *Temporary appointment of acting Chief Justice.*

203. *Seat of Federal Court.*

204. (1) Subject to the provisions of this Act, the Federal Court shall, to the exclusion of any other court, have an original jurisdiction in any dispute between any two or more of the following parties, that is to say, the Federation, any of the Provinces or any of the Federated States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends :

Provided that the said jurisdiction shall not extend to—

(*a*) a dispute to which a State is a party, unless the dispute—

(*i*) concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State ; or

(*ii*) arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature, or otherwise concerns some matter with respect to which the Federal Legislature has power to make laws for that State ; or

(*iii*) arises under an agreement made after the establishment of the Federation, with the approval of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, between that State and the Federation or a Province, being an agreement which expressly provides that the said jurisdiction shall extend to such a dispute ;

(*b*) a dispute arising under any agreement which expressly provides that the said jurisdiction shall not extend to such a dispute.

(2) The Federal Court in the exercise of its original jurisdiction shall not pronounce any judgement other than a declaratory judgement.

205. (1) An appeal shall lie to the Federal Court from any judgement, decree or final order of a High Court in British India, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Act or any Order in Council made thereunder, and it shall be the duty of every High Court in British India to consider in every case whether or not any such question is involved and of its own motion to give or to withhold a certificate accordingly.

(2) Where such a certificate is given, any party in the case may appeal to the Federal Court on the ground that any such question as aforesaid has been wrongly decided, and on any ground on which that party could have appealed without special leave to His Majesty in Council if no such certificate had been given, and, with the leave of the Federal Court, on any other ground, and no direct appeal shall lie to His Majesty in Council, either with or without special leave.

206. (1) The Federal Legislature may by Act provide that in such civil cases as may be specified in Act an appeal shall lie to the Federal Court from a judgement, decree or final order of a High Court in British India without any such certificate as aforesaid, but no appeal shall lie under any such Act unless—

(*a*) the amount or value of the subject matter of the dispute in the court of first instance and still in dispute on appeal was and is not less than fifty thousand rupees or such other sum not less than fifteen thousand rupees as may be specified by the Act, or the judgement, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value ; or

(*b*) the Federal Court gives special leave to appeal.

(2) If the Federal Legislature makes such provision as is mentioned in the last preceding subsection, consequential provision may also be made by Act of the Federal Legislature for the abolition in whole or in part of direct appeals in cases from High Courts in British India to His Majesty in Council, either with or without special leave.

(3) A Bill or amendment for any of the purposes specifie in this section shall not be introduced into, or moved in, either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

207. (1) An appeal shall lie to the Federal Court from a High Court in a Federated State on the ground that a question of law has been wrongly decided, being a question which concerns the interpretation of this Act or of an Order in Council made thereunder or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State, or arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature.

(2) An appeal under this section shall be by way of special case to be stated for the opinion of the Federal Court by the High Court, and the Federal Court may require a case to be so stated, and may return any case so stated in order that further facts may be stated therein.

208. An appeal may be brought to His Majesty in Council from a decision of the Federal Court—

(*a*) from any judgement of the Federal Court given in the exercise of its original jurisdiction in any dispute which concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in Federation by virtue of the Instrument of Accession of any State, or arises under an agreement made under Part VI of this Act in relation to the administration in any State of a law of the Federal Legislature, without leave ; and

(*b*) in any other case, by leave of the Federal Court or of His Majesty in Council.

209-11. *Form of judgement on appeal and other details regarding enforcement of orders, etc.*

212. The law declared by the Federal Court and by any judgement of the Privy Council shall, so far as applicable, be recognized as binding on, and shall be followed by, all courts in British India, and so far as respects the application and interpretation of this Act or any Order in Council thereunder or any matter with respect to which the Federal Legislature has power to make laws in relation to the State, in any Federal State.

213-18. *Power of the Governor-General to consult the Federal Court, Rules of Court, etc.*

CHAPTER II

THE HIGH COURTS IN BRITISH INDIA

219-31. *Constitution of the High Courts, jurisdiction, etc.*

PART X

THE SERVICES OF THE CROWN IN INDIA

232-77. *Provisions relating to the Services of Crown in India including Defence Services and Civil Services. They deal with such matters as recruitment of personnel and conditions of services. The constitutional importance of these provisions is that, in accordance with the general structure of the Act, they vest in the Secretary of State for India and his representatives in India sufficient powers to enable them to discharge the responsibilities vested in them by the Act, and for this purpose the necessary control over and the right protection of, members of the services, even though these members might, administratively, be normally under the control of the Ministers in the Provinces and at the Centre. The following subsection* (3) *of Section 248, illustrates the point :*

(3) *Any person appointed to a civil service or a civil post by the Secretary of State may appeal to the Secretary of State against any order made by any authority in India which punishes or formally censures him, or alters or interprets to his disadvantage any rule by which his conditions of service are regulated.*

PART XI

THE SECRETARY OF STATE, HIS ADVISERS AND HIS DEPARTMENT

278. .(1) There shall be a body of persons appointed by the Secretary of State, not being less than three nor more than six in number, as the Secretary of State may from time to time determine, whose duty it shall be to advise the Secretary of State on any matter relating to India on which he may desire their advice.

(2) One half at least of the persons for the time being holding office under this section as advisers of the Secretary of State shall be persons who have held office for at least ten years under the Crown in India and have not last ceased to perform in India official duties under the Crown more than two years before the date of their respective appointments as advisers under this section.

(3) Any person appointed as an adviser to the Secretary of State shall hold office for a term of five years and shall not be eligible for reappointment :

Provided that—

(*a*) any person so appointed may by writing under his hand resign his office to the Secretary of State ;

(*b*) the Secretary of State may, if he is satisfied that any person so appointed has by reason of infirmity of mind or body become unfit to continue to hold his office, by order remove him from his office.

(4) A person for the time being holding office as adviser to the Secretary of State shall not be capable of sitting or voting in either House of Parliament.

(5) There shall be paid out of moneys provided by Parliament to each of the advisers of the Secretary of State a salary of thirteen hundred and fifty pounds a year, and also to any of them who at the date of his appointment was domiciled in India a subsistence allowance of six hundred pounds a year.

(6) Except as otherwise expressly provided in this Act; it shall be in the discretion of the Secretary of State whether or not he consults with his advisers on any matter, and, if so, whether he consults with them collectively or with one or more of them individually, and whether or not he acts in accordance with any advice given to him by them.

(7) Any provision of Act which requires that the Secretary of State shall obtain the concurrence of his advisers shall be deemed to be satisfied if at a meeting of his advisers he obtains the concurrence of at least one half of those present at the meeting, or if such notice and opportunity for objection as may be prescribed has been given to those advisers and none of them has required that a meeting shall be held for discussion of the matter.

In this subsection 'prescribed' means prescribed by rules of business made by the Secretary of State after obtaining at a meeting of his advisers the concurrence of at least one-half of those present at the meeting.

(8) The Council of India as existing immediately before the commencement of Part III of this Act shall be dissolved.

(9) Notwithstanding anything in the foregoing provisions of this section, a person who immediately before the commencement of Part III of this Act was a member of the Council of India may be appointed under this section as an adviser to the Secretary of State to hold office as such for such period less than five years as the Secretary of State may think fit.

279-84. *Details concerning the organization and expenses of the India Office : the salaries of the Secretary of State and his staff were to be paid out of moneys provided by Parliament.*

PART XII

MISCELLANEOUS AND GENERAL

The Crown and the Indian States

285. Subject in the case of a Federated State to the provisions of the Instrument of Accession of that State, nothing in this Act affects the rights and obligations of the Crown in relation to any Indian State.

286. (1) If His Majesty's Representative for the exercise of the functions of the Crown in its relation with Indian States requests the assistance of armed forces for the due discharge of those functions, it shall be the duty of the Governor-General in the exercise of the executive authority of the Federation to cause the necessary forces to be employed accordingly, but the net additional expense, if any, incurred in connexion with those forces by reason of that employment shall be deemed to be expenses of His Majesty incurred in discharging the said functions of the Crown.

(2) In discharging his functions under this section the Governor-General shall act in his discretion.

287. Arrangements may be made between His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States and the Governor of any Province for the discharge by the Governor and officers serving in connexion with the affairs of the Province of powers and duties in connexion with the exercise of the said functions of the Crown.

Aden

288. *Aden to cease to be part of India.*

New Provinces and Alterations of Boundaries of Provinces.

289-90. *New Provinces and alterations of boundaries of Provinces.*

Franchise

291. *Power of His Majesty to make provision with respect to franchises and elections.*

Provisions as to certain Legal Matters

292-6. *Provisions as to certain legal matters.*

297. *Prohibition of certain restrictions on internal trade : Provincial Legislatures or Governments prohibited from erecting barriers to internal trade.*

298. *Persons not to be subjected to disability by reason of race, religion, etc.*

299. *Compulsory acquisition of land : No acquisition without compensation. Previous sanction of the Governor-General or the*

Governor, as the case may be, in his discretion necessary for the introduction of a Bill in the Federal or Provincial Legislative for the abolition of zamindari and such other rights.

300. *Protection for certain customary rights, privileges and pensions.*

301. *Repeal of certain obsolete sections.*

High Commissioner

302. (1) There shall be a High Commissioner for India in the United Kingdom who shall be appointed, and whose salary and conditions of service shall be prescribed, by the Governor-General, exercising his individual judgement.

(2) The High Commissioner shall perform on behalf of the Federation such functions in connexion with the business of the Federation, and, in particular, in relation to the making of contracts as the Governor-General may from time to time direct.

(3) The High Commissioner may, with the approval of the Governor-General and on such terms as may be agreed, undertake to perform on behalf of a Province or Federated State, or on behalf of Burma, functions similar to those which he performs on behalf of the Federation.

General Provisions

303-11. *General provisions, and provisions regarding interpretation.*

PART XIII

TRANSITIONAL PROVISIONS

312-19. *Transitional provisions : Section* 318(1) *provided, 'Notwithstanding that the Federation has not yet been established, the Federal Court and the Federal Public Service Commission and the Federal Railway Authority shall come into existence and be known by those names, and shall perform in relation to British India the like functions as they are by or under this Act to perform in relation to the Federation when established.'*

PART XIV

BURMA

320-476. *Burma : constitutional provisions in respect of the Government of Burma, which ceased to be part of India.*

477-8. *Commencement and repeals.*

OPPOSITION TO THE GOVERNMENT OF INDIA ACT, 1935

(1) *Resolution of the All-India Muslim League, 11-12 April 1936**

Resolved that the All-India Muslim League enters its emphatic protest against forcing the Constitution as embodied in the Government of India Act of 1935, upon the people of India, against their will and in spite of their repeated disapproval and dissent, expressed by various parties and bodies in the country.

The League considers that having regard to the conditions prevailing at present in the country the Provincial Scheme of the Constitution be utilized for what it is worth in spite of the most objectionable features contained therein, which render the real control and responsibility of the Ministry and the Legislature over the entire field of the Government and the administration nugatory.

The League is clearly of the opinion that the All-India Federal Scheme of the Central Government embodied in the Government of India Act of 1935 is fundamentally bad. It is most reactionary, retrograde, injurious and fatal to the vital interests of British India *vis-a-vis* the Indian States, and it is calculated to thwart and delay indefinitely the realization of India's most cherished goal of complete responsible government and is totally unacceptable.

The League considers that the British Parliament should still take the earliest opportunity to review the whole situation afresh regarding the Central Scheme before it is inaugurated ; or else the League feels convinced that it would not bring peace and contentment to the people, but on the contrary it will lead to disaster if forced upon the people and persisted in as it is entirely unworkable in the interest of India and her people.

(2) *Resolution of Indian National Congress, 12-14 April 1936***

Whereas the Government of India Act, 1935, which is based on the White Paper and Joint Parliamentary Report and which is in many respects even worse than the proposals contained in them, in no way represents the will of the nation, is designed to facilitate and perpetuate the domination and exploitation of the people of India and is imposed on the country to the accompaniment of widespread repression and the suppression of civil liberties, the Congress reiterates its rejection of the new Constitution in its entirety.

**All-India Muslim League, Resolution*, 1924-36, pp. 66-67.
Also in
Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947. Vol. I, pp. 384-385.

***The Indian National Congress. Resolutions, 1934-1936. Allahabad, A.I.C.C., 1936, p. 77.

The Congress, as representing the will of the Indian people for national freedom and a democratic state, declares that no Constitution imposed by outside authority and no Constitution which curtails the sovereignty of the people of India and does not recognize their right to shape and control fully their political and economic future can be accepted. In the opinion of the Congress such a Constitution must be based on the independence of India as a nation and it can only be framed by a Constituent Assembly elected on adult franchise or a franchise which approximates to it as nearly as possible. The Congress therefore reiterates and stresses the demand for a Constituent Assembly in the name of the Indian people and calls upon its representatives and members in Legislatures and outside to work for the fulfilment of this demand.

In view of the fact that elections for the Provincial Legislatures under the new Act may, according to official statements, take place before the next session of the Congress, this Congress resolves that in such an event candidates should be put forward on its behalf to contest such seats in accordance with the mandate of the Congress and in pursuance of its declared policy. Such candidates must be chosen from those who fully support the Congress objective of Indian independence and pledge themselves to carry out its policy in regard to the Legislatures.

The question of acceptance or non-acceptance of office by Congress members elected to the Legislatures under the Constitution having been agitated in the country, the Congress, in view of the uncertainties of the situation as it may develop, considers it inadvisable to commit itself to any decision at this stage on the question and leaves it to be decided at the proper time by the All-India Congress Committee after consulting the Provincial Congress Committees.

"This Congress reiterates its entire rejection of the Government of India Act of 1935 and the constitution that has been imposed on India against the declared will of the people of the country. In the opinion of the Congress any co-operation with this constitution is a betrayal of India's struggle for freedom and a strengthening of the hold of British Imperialism and a further exploitation of the Indian masses who have already been reduced to direst poverty under imperialist domination. The Congress, therefore, repeats its resolve not to submit to this constitution or to co-operate with it, but to combat it, both inside and outside the legislatures, so as to end it. The Congress does not and will not recognise the right of any external power or authority to dictate the political and economic structure of India, and every such attempt will be met by

organised and uncompromising opposition of the Indian people. The Indian people can only recognise a constitutional structure which has been framed by them and which is based on the independence of India as a nation and which allows them full scope for development according to their needs and desires.

The Congress stands for a genuine democratic State in India where political power has been transferred to the people as a whole and the Government is under their effective control. Such a State can only come into existence through a Constituent Assembly, elected by adult suffrage, and having the power to determine finally the Constitution of the country. To this end the Congress works in the country and organises the masses, and this objective must ever be kept in view by the representatives of the Congress in the legislatures.

The Congress endorses the Election Manifesto of the A.I.C.C. and calls upon all candidates, standing on its behalf, to carry on their election campaign strictly on its basis and, after election, to conduct their work in the legislatures in accordance with it. Congress members of the legislatures should take the earliest opportunity to put forward in the new Assembly the demand for a Constituent Assembly, elected by adult suffrage, and this demand should be supported by a mass agitation outside to enforce the right of the Indian people to self-determination.

The question of acceptance or non-acceptance of office by Congress members elected to the legislatures under the new constitution will be decided by the A.I.C.C. as soon after the provincial assembly elections as is practicable. Immediately after the elections the various Provincial Congress Committees will take steps to consult their district and other local Committees and send their own recommendations on this subject, so that the A.I.C.C. may be assisted in deciding this issue by the opinion of the mass of Congressmen and the country". *50 : 1936 (Dec.) : Faizpur : XVI.*

(3) *Speech by Pandit Jawaharlal Nehru, 27 December 1936**

The Government of India Act of 1935, the new Constitution, stares at us offensively, this new chapter of bondage which has been imposed upon us despite our utter rejection of it, and we are preparing to fight elections under it. Why we have entered into this

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*Jawaharlal Nehru, *Presidential Address, Indian National Congress, 50th Session, December, 1936.* pp. 8-14.

Also in

Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Constitution*, 1921-47. Vol. I, pp. 386-89.

election contest and how we propose to follow it up has been fully stated in the Election Manifesto of the All-India Congress Committee, and I commend this manifesto for your adoption. We go to the Legislatures not to co-operate with the apparatus of British imperialism, but to combat the Act and seek to end it, and to resist in every way British imperialism in its attempt to strengthen its hold on India and its exploitation of the Indian people. That is the basic policy of the Congress and no Congressman, no candidate for election, must forget this. Whatever we do must be within the four corners of this policy. We are not going to the Legislatures to pursue the path of constitutionalism or barren reformism.

There is a certain tendency to compromise over these elections, to seek a majority at any cost. This is a dangerous drift and must be stopped. The elections must be used to rally the masses to the Congress standard, to carry the message of the Congress to the millions of voters and non-voters alike, to press forward the mass struggle. The biggest majority in a Legislature will be of little use to us if we have not got this mass movement behind us, and a majority built on compromises with reactionary groups or individuals will defeat the very purpose of the Congress.

With the effort to fight the Act, and as a corollary to it, we have to stress our positive demand for a Constituent Assembly elected under adult suffrage. That is the very corner-stone of Congress policy today and our election campaign must be based on it. This Assembly must not be conceived as something emanating from the British Government or as a compromise with British imperialism. If it is to have any reality, it must have the will of the people behind it, and the organised strength of the masses to support it, and the power to draw up the Constitution of a free India. We have to create that mass support for it through these elections and later through our other activities.

The Working Committee has recommended to this Congress that a convention of all Congress members of all the Legislatures, and such other persons as the Committee might wish to add to them, should meet soon after the election to put forward the demand for the Constituent Assembly, and determine how to oppose, by all feasible methods, the introduction of the federal structure of the Act. Such a convention, which must include the members of the All-India Congress Committee, should help us greatly in focusing our struggle and giving it proper direction in the Legislature and outside. It will prevent the Congress members of the Legislatures from developing provincialism and getting entangled in minor provincial matters. It will give them the right perspective and a sense of all-

India discipline, and it should help greatly in developing mass activities on a large scale. The idea is full of big possibility and I trust that the Congress will approve of it.

Next to this demand for the Constituent Assembly, our most important task will be to oppose the federal structure of the Act. Utterly bad as the Act is, there is nothing so bad in it as this Federation and so we must exert ourselves to the utmost to break this, and thus end the Act as a whole. To live not only under British imperialist exploitation but also under Indian feudal control is something that we are not going to tolerate whatever the consequences. It is an interesting and instructive result of the long period of British rule in India that when, as we are told, it is trying to fade off, it should gather to itself all the reactionary and obscurantist groups in India, and endeavour to hand partial control to the feudal elements.

The development of this Federal Scheme is worthy of consideration. We are not against the conception of a federation. It is likely that a free India may be a federal India, though in any event there must be a great deal of unitary control. But the present Federation that is being thrust upon us is a federation in bondage and under the control, politically and socially, of the most backward elements in the country. The present Indian States took shape early in the nineteenth century in the unsettled conditions of early British rule. The treaties with their autocratic rulers, which are held up to us so often now as sacred documents which may not be touched, date from that period.

It is worthwhile comparing the state of Europe then with that of India. In Europe then there were numerous tiny kingdoms and princedoms, kings were autocratic, holy alliances and royal prerogatives flourished. Slavery was legal. During these hundred years and more Europe has changed out of recognition. As a result of numerous revolutions and changes the princedoms have gone and very few kings remain. Slavery has gone. Modern industry has spread and democratic institutions have grown up with an ever-widening franchise. These in their turn have given place in some countries to Fascist dictatorships. Backward Russia, with one mighty jump, has established a Soviet Socialist State and an economic order which has resulted in tremendous progress in all directions. The world has gone on changing and hovers on the brink of yet another vast change. But not so the Indian States; they remain static in this ever-changing panorama, staring at us with the eyes of the early nineteenth century. The old treaties are sacrosanct, treaties made not with the people or their representatives but with their autocratic rulers.

This is a state of affairs which no nation, no people can tolerate. We cannot recognize these old settlements of more than a hundred years ago as permanent and unchanging. The Indian States will have to fit into the scheme of a free India and their people must have, as the Congress has declared, the same personal, civil and democratic liberties as those of the rest of India.

Till recent years little was heard of the treaties of States or of paramountcy. The rulers knew their proper places in the imperial scheme of things and the heavy hand of the British Government was always in evidence. But the growth of the national movement in India gave them a fictitious importance, for the British Government began to rely upon them more and more to help it in combating this nationalism. The rulers and their ministers were quick to notice the change in the angle of vision and to profit by it. They tried to play, not without success, the British Government and the Indian people against each other and to gain advantages from both. They have succeeded to a remarkable degree and have gained extraordinary power under the Federal Scheme. Having preserved themselves as autocratic units, which are wholly outside the control of the rest of India, they have gained power over other parts of India. Today we find them talking as if they were independent and laying down conditions for their adherence to the Federation. There is talk even of the abolition of the Viceregal paramountcy, so that these States may remain, alone in the whole world, naked and unchecked autocracies, which cannot be tampered with by any constitutional means. A sinister development is the building up of the armies of some of the bigger States on an efficient basis.

Thus our opposition to the federal part of the Constitution Act is not merely a theoretical one, but a vital matter which affects our freedom struggle and our future destiny. We have got to make it a central pivot of our struggle against the Act. We have got to break this Federation.

Our policy is to put an end to the Act and have a clean slate to write afresh. We are told by people who can think only in terms of action taken in the Legislatures, that it is not possible to wreck it, and there are ample provisions and safeguards to enable the Government to carry on despite a hostile majority. We are well aware of these safeguards ; they are one of the principal reasons why we reject the Act. We know also that there are Second Chambers to obstruct us. We can create constitutional crises inside the Legislatures, we can have deadlocks, we can obstruct the imperialist machine, but always there is a way out. The Constitution cannot be wrecked by action inside the Legislatures only. For that, mass action

outside is necessary, and that is why we must always remember that the essence of our freedom struggle lies in mass organization and mass action.

The policy of the Congress in regard to the Legislatures is perfectly clear ; only in one matter it still remains undecided—the question of acceptance or not of office. Probably the decision of this question will be postponed till after the elections. At Lucknow I ventured to tell you that, in my opinion, acceptance of office was a negation of our policy of rejection of the Act ; it was further a reversal of the policy we had adopted in 1920 and followed since then. Since Lucknow the Congress has further clarified its position in the election manifesto and declared that we are not going to the Legislatures to co-operate in any way with the Act but to combat it. That limits the field of our decision in regard to offices, and those who incline to acceptance of them must demonstrate that this is the way to non-co-operate with the Act, and to end it.

It seems to me that the only logical consequence of the Congress policy, as defined in our resolutions and in the election manifesto, is to have nothing to do with office and Ministry. Any deviation from this would mean a reversal of that policy. It would inevitably mean a kind of a partnership with British imperialism in the exploitation of the Indian people, an acquiescence, even though under protest and subject to reservations, in the basic ideas underlying the Act, an association to some extent with British imperialism in the hateful task of the repression of our advanced elements. Office accepted on any other basis is hardly possible, and if it is possible, it will lead almost immediately to deadlock and conflict. That deadlock and impasse does not frighten us ; we welcome it. But then we must think in terms of deadlocks and not in terms of carrying on with the office.

There seems to be a fear that if we do not accept office, others will do so, and they will put obstacles in the way of our freedom movement. But if we are in a majority we can prevent others from misbehaving ; we can even prevent the formation of any Ministry. If our majority is a doubtful one then office for us depends on compromises with non-Congress elements, a policy full of danger for our cause, and one which would inevitably lead to our acting in direct opposition to the Congress mandate of rejection of the Act. Whether we are in a majority or in a minority, the real thing will always be the organized mass backing behind us. A majority without that backing can do little in the Legislatures, even a militant minority with conscious and organized mass support can make the functioning of the Act very difficult.

*Resolution of the Working Committee of the Indian National Congress, 27 February to 1 March 1937**

The work of the Congress members of the Provincial legislatures shall be governed by the following policy :

(*i*) The Congress has entered the Legislatures not to co-operate with the new Constitution or the Government but to combat the Act and the policy underlying it, as this Act and policy are intended to tighten the hold of British imperialism on India and to continue the exploitation of the Indian people. The Congress adheres to its general and basic policy of non-co-operation with the apparatus of British imperialism except in so far as circumstances may require a variation.

(*ii*) The objective of the Congress is *purna swaraj* or complete independence and to that end all its activities are directed. The Congress stands for a genuine democratic state in India where political power has been transferred to the people as a whole and the Government is under their effective control. Such a state can only be created by the Indian people themselves, and the Congress has therefore insisted on a Constituent Assembly, elected by adult franchise, to determine the constitution of the country. The Constituent Assembly can only come into existence when the Indian people have developed sufficient power and sanctions to shape their destiny without external interference.

(*iii*) The immediate objective of the Congress in the Legislatures is to fight the new Constitution, to resist the introduction and working of the Federal part of the Act, and to lay stress on the nation's demand for a Constituent Assembly. Congress members of the Legislatures have been directed by the Faizpur Congress to take the earliest opportunity to put forward in the new Assemblies this demand for a Constituent Assembly, and to support it by mass agitation outside.

(*iv*) Congress members of the Legislatures must remember the Congress policy of not assisting or co-operating with any function or activity, calculated to enhance the power or prestige of British imperialism in India. Ceremonial, official, or social functions of this kind must therefore be avoided and no Congress member should take part in them. In doubtful cases individual members should not take any action themselves but should refer to the Congress Party in the Assembly and should abide by its decision.

(*v*) No Congress members of the Legislatures may accept a title given by the British Government.

**The Indian National Congress, Resolutions*, 1936-37, Allahabad, A.I.C.C. ; 1938, pp. 41-44.

(*vi*) The Congress Party in each Provincial Assembly must act as a disciplined body, the leaders of which will represent the Party in any conversations with the Government and other groups. Individual members shall have no official contacts with Government other than those resulting from their duties as Members, and such as may be expressly authorized by the Party.

(*vii*) Members will be expected to be in their places in the Assemblies during the session and when the Party is attending. There should be no absence except for leave taken and cause shown.

(*viii*) All Congress Members of the Legislatures shall be dressed in khadi.

(*ix*) Congress Parties in the Provincial Assemblies must not enter into any alliances with other groups in the Assembly without the permission of the Working Committee.

(*x*) Any Member of the Provincial Legislatures not elected on behalf of the Congress but willing to take the Congress pledge and abide by Congress principles and discipline may be taken into the Congress Party in that Legislature, if the Party consider his admission desirable. But no person against whom disciplinary action has been taken by the Congress may be accepted without the permission of the Working Committee.

(*xi*) Congress members should press for the carrying out of the Congress programme as enunciated in the election manifesto and the Congress agrarian resolution. In particular they should work for :

1. A substantial reduction in rent and revenue.
2. Assessment of income-tax, on a progressive scale, on agricultural incomes, subject to a prescribed minimum.
3. Fixity of tenure.
4. Relief from the burden of rural debt and arrears of rent and revenue.
5. Repeal of all repressive laws.
6. Release of political prisoners, internees and detenus.
7. Restoration of lands and property confiscated or sold by Government during Civil Disobedience Movements.
8. Eight-hour day for industrial workers, without reduction of pay. Living wage.
9. Prohibition of intoxicating liquor and drugs.
10. Unemployment relief.
11. Reduction of high salaries, allowances and cost of administration of Government.

(*xii*) Under the existing Act, with all its safeguards and special powers in the hands of the Viceroy or the Governor, and its protec-

tion of the Services, deadlocks are inevitable. They should not be avoided when they occur while pursuing Congress policy.

(*xiii*) Congress members in the Provincial Assemblies should further give expression to certain important demands of all-India application which may not be given effect to in the Provincial Assemblies, such as, substantial reduction of the military expenditure as well as of the higher Civil Services ; complete national control over trade and tariffs and currency ; repeal of all-India repressive legislation ; freedom of speech, press and association ; opposition to war preparations, credits and loans.

(*xiv*) Congress members in the Assemblies must always endeavour to mobilize public opinion in their constituencies for the particular demand they are putting forward in the Legislatures. Work in the Legislatures should thus be co-ordinated with activity outside and mass movements built up in support of those demands and of Congress policy in general.

*'The National Demand' Resolution passed by the All-India National Convention of Congress Legislators, 19-20 March 1937**

This Convention reiterates the opinion of the people of India that the Government of India Act of 1935 has been designed to perpetuate the subjection and exploitation of the Indian people and so strengthen the hold of British imperialism on India.

The Convention declares that the Indian people do not recognize the right of any external power or authority to dictate the political and economic structure of India. The Indian people will only accept a constitutional structure framed by them and based on the independence of India as a nation and which allows them full scope for development according to their needs and desires.

The Convention stands for a genuine democratic State in India where political power has been transferred to the people as a whole. Such State can only be created by the Indian people themselves through the medium of a Constituent Assembly elected on the basis of adult suffrage, and having the power to determine finally the Constitution of the country.

The electorate has, in overwhelming measure, set its seal on the Congress objective of independence and the rejection of the new Constitution. The Constitution, therefore, stands condemned and utterly rejected by the people, through the self-same democratic process which had been invoked by the British Government and the

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**The Indian Annual Register* (1937), Vol. I, p. 182.

people have further declared that they desire to frame their own Constitution based on national independence through the medium of a Constituent Assembly.

The Convention, therefore, calls upon all Congress Parliamentary Parties to take the earliest opportunity to put forward in the name of the nation, a demand in their respective Legislatures that the Government of India Act, 1935 be withdrawn so that the people of India may frame their own Constitution.

A. "This Congress reaffirms its opinion that the creation of excluded and partially excluded areas and Chief Commissioners' Provinces, including British Baluchistan and Coorg under the provisions of the Government of India Act of 1935 obstructs the growth of uniform democratic institutions in integral parts of India covering an area of over 207,900 square miles and inhabited by over 13 million people.

This Congress condemns this step as one of the attempts to divide the people of India into different groups for unjustifiable and discriminatory treatment repressing their liberties and obstructing their progress.

This Congress further reiterates the opinion that the separation of these excluded and partially excluded areas undoubtedly aims at leaving a larger control of disposition and exploitation of the mineral and forest wealth in those areas in the hands of the British Government.

This Congress declares that the same level of democratic and self-governing institutions should be applicable to all parts of India without any distinction.

B. This Congress supports the demand of the inhabitants of the Chief Commissioners' Provinces of Ajmer-Merwara and Coorg that their provinces may be amalgamated with the United Provinces; and with Carnatak in the province of Bombay respectively.

C. This Congress condemns the reactionary and irresponsible administration of the province of Delhi attended with suppression of civil liberties and burdened with high taxes and extremely heavy land revenue and other similar measures adopted by the Delhi administration." *51 : 1938 : Haripura : X.*

"The Congress has rejected the new Constitution and declared that a constitution for India, which can be accepted by the people, must be based on independence and can only be framed by the people themselves by means of a Constituent Assembly, without interference by any foreign authority. Adhering to this policy of rejection, the Congress has, however, permitted the formation in

provinces of Congress Ministries with a view to strengthen the nation in its struggle for independence. In regard to the proposed Federation, no such considerations apply even provisionally or for a period, and the imposition of this Federation will do grave injury to India and tighten domination. This scheme of Federation excludes from the sphere of responsibility vital functions of government.

The Congress is not opposed to the idea of Federation ; but a real Federation must, even apart from the question of responsibility, consist of free units enjoying more or less the same measure of freedom and civil liberty, and representation by the democratic process of election. The Indian States participating in the Federation should approximate to the provinces in the establishment of representative institutions and responsible government, civil liberties and method of election to the Federal House. Otherwise the Federation as it is now contemplated, will, instead of building up Indian unity, encourage separatist tendencies and involve the States in internal and external conflicts.

The Congress, therefore, reiterates its condemnation of the proposed Federal Scheme and calls upon the Provincial and Local Congress Committees and the people generally, as well as the Provincial Governments and Ministries, to prevent its inauguration. In the event of an attempt being made to impose it, despite the declared will of the people, such an attempt must be combated in every way, and the Provincial Governments and Ministries must refuse to co-operate with it. In case such a contingency arises, the All-India Congress Committee is authorised and directed to determine the line of action to be pursued in this regard."

51 : 1938 : Haripura : XIII.

"Summary of Proceedings of the Working Committee, Wardha November 3-6, 1940.

Congress Party in the Central Assembly

"In view of the necessity to oppose the Bill introduced by the Government of India to finance the war, the Working Committee request the Congress members of the Central Legislative Assembly to attend and take part in the proceedings relating to the Bill."

W.C. : Nov. 3, 1940 : Wardha : I.

IV. 1936 to 1941

The Indian National Congress and the Formation of Provincial Ministries : Constitutional Impasse over the Question of the Exercise of the Special Powers Vested in the Governors

RESOLUTION OF THE ALL-INDIA CONGRESS COMMITTEE, 18 MARCH 1937*

The All-India Congress Committee records its high appreciation of the magnificent response of the country to the call of the Congress during the recent elections and the approval by the electorate of the Congress policy and progromme. The Congress entered these elections with its objective of independence and its total rejection of the new Constitution, and the demand for a Constituent Assembly to frame India's Constitution. The declared Congress policy was to combat the new Act and end it. The electorate has, in overwhelming measure, set its seal on this policy and programme and the new Act therefore stands condemned and utterly rejected by the people through the self-same democratic process which had been evoked by the British Government, and the people have further declared that they desire to frame their own Constitution, based on national independence, through the medium of a Constituent Assembly elected by adult franchise. This Committee, therefore, demands, on behalf of the people of India, that the new Constitution be withdrawn.

In the event of the British Government still persisting with the new Constitution, in defiance of the declared will of the people, the All-India Congress Committee desires to impress upon all Congress members of the Legislatures that their work inside and outside the Legislatures must be based on the fundamental Congress policy of combating the new Constitution and seeking to end it, a policy on the basis of which they sought the suffrage of the electorate and won their overwhelming victory in the elections. That policy must inevitably lead to deadlocks with the British Government and bring out still further the inherent antagonism between British imperialism and Indian nationalism, and expose the autocratic and undemocratic nature of the new Constitution.

The All-India Congress Committee endorses and confirms the resolutions of the Working Committee passed at Wardha on February

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* *The Indian National Congress Resolutions, 1936-3* (Allahabad All-India Congress Committee,), pp. 10-12.

Also in

Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution,* 1921-47, Vol. I, p. 392.

27 and 28, 1937 on the extra-parliamentary activities of Congress members of Legislatures, mass contacts, and the Congress policy in the Legislatures, and calls upon all Congressmen in the Legislatures and outside to work in accordance with the directions contained in them.

And on the pending question of office acceptance, and in pursuance of the policy summed up in the foregoing paragraphs, the All-India Congress Committee authorizes and permits the acceptance of offices in Provinces where the Congress commands a majority in the Legislature, provided the Ministerships shall not be accepted unless the leader of the Congress Party in the Legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of Ministers in regard to constitutional activities.

*Press statement by Gandhiji, 30 March 1937**

Having brooded over the refusal of Governors to give assurances asked for by invited Congress leaders in Majority Provinces, I feel I must give my opinion on the situation that has arisen in the country. I have had three cables from London shown to me asking for my opinion. Friends in Madras too have expressed for its publication. Though it is a departure from my self-imposed rule, I can no longer withstand the pressure, especially as I am the sole author of the office-acceptance clause of the Congress resolution and the originator of the idea of attaching a condition to office acceptance. My desire was not to lay down any impossible condition. On the contrary, I wanted to devise a condition that could be easily accepted by Governors. There was no intention whatsoever to lay down a condition whose acceptance would mean any slightest abrogation of the Constitution. Congressmen were well aware that they could not, and would not, ask for any such amendment.

Congress policy was, and is, not to secure an amendment but an absolute ending of the Constitution which nobody likes. Congressmen were and are also aware that they could not end it by mere acceptance of office, even conditional. The object of that section of the Congress which believed in office-acceptance was pending the creation by means consistent with the Congress creed of non-violence, of a situation that would transfer all power to the people, to work in offices so as to strengthen the Congress which has been shown predominantly to represent mass opinion.

I felt that this object could not be secured unless there was a gentlemanly understanding between Governors and their Congress

**The Indian Annual Register* (1937) Vol. I, pp. 242-3.

Ministers that they would not exercise their special powers of interference so long as Ministers acted within the Constitution. Not to do so would be to court an almost immediate deadlock after entering upon office. I felt that honesty demanded that understanding. It is common cause that Governors have discretionary powers. Surely here was nothing extra constitutional in their saying that they would not exercise their discretion against Ministers carrying on constitutional activities. It may be remembered that the understanding was not to touch numerous other safeguards over which Governors had no power. A strong party with a decisive backing of the electorate could not be expected to put itself in the precarious position of the interference at will of Governors.

The question may be put in another way. Should Governors be courteous to Ministers or discourteous ? I hold that it would be distinctly discourteous if they interfered with their Ministers in matters over which the law gave the latter full control and with which Governors were under no legal obligation to interfere. A self-respecting Minister, conscious of an absolute majority at his back, could not but demand an assurance of non-interference. Have I not heard Sir Samuel Hoare and other Ministers saying in so many words that ordinarily Governors would not use their admittedly large powers of interference ? I claim that the Congress formula asked for nothing more. It has been claimed on behalf of the British Government that the Act gives autonomy to the Provinces. If that is so, it is not Governors but Ministers who are during their period of office responsible for the wise administration of their Provinces. Responsible Ministers sensible of their duty could not submit to interference in pursuance of their daily duty.

It does, therefore, appear to me that once more the British Government has broken to the heart what it has promised to the ear. I doubt not that they can and will impose their will on the people till the latter develop enough strength from within to resist it but that cannot be called working Provincial Autonomy. By flouting the majority obtained through the machinery of their creation, they have in plain language ended autonomy which they claim the Constitution has given to the Provinces.

The rule, therefore, will now be the rule of the sword, not of the pen nor of the indisputable majority.

Any way that is the only interpretation which, with all the goodwill in the world, I can put upon the Government action. For, I believe in the cent per cent honesty of my formula whose acceptance might have prevented a crisis and resulted in the natural, orderly

and peaceful transference of power from the bureaucracy to the largest and fullest democracy known to the world.

Broadcast Message by His Excellency the Viceroy
*Lord Linlithgow, 22 June 1937**

The executive authority of a Province runs in the name of the Governor : but in the ministerial field the Governor, subject to the qualifications already mentioned, is bound to exercise that executive authority on the advice of his Ministers. There are certain strictly limited and clearly defined areas in which, while here as elsewhere primarily responsibility rests with Ministers, the Governor remains ultimately responsible to Parliament. Over the whole of the remainder of the field Ministers are solely responsible, and they are answerable only to the Provincial Legislature. In the discharge of the Governor's Special Responsibilities it is open to the Governor, and it is indeed incumbent upon him, to act otherwise than on the advice of his Ministers if he considers that the action they propose will prejudice Minorities or areas or other interests affected. The decision in such cases will rest with the Governor ; and he will be responsible to Parliament for taking it. But the scope of such potential interference is strictly defined—and there is no foundation for any suggestion that a Governor is free, or is entitled, or would have the power, to interfere with the day-to-day administration of a Province outside the limited range of the responsibilities specially confined to him. Before taking a decision against the advice of his Ministers even within the limited range a Governor will spare no pains to make clear to his Ministers the reasons which have weighed with him in thinking both that the decision is one which it is incumbent on him to take, and that it is the right one. He will put them in possession of his mind. He will listen to the arguments they address to him. He will reach his decision with full understanding of those arguments and with a mind open to conviction. In such circumstances, given the goodwill which we can I trust postulate on both sides, and for which I can on behalf of His Majesty's Government answer so far as Governors are concerned, conflicts need not in a normal situation be anticipated. On the matter of degree a convention which would require the automatic dismissal or resignation of a Ministry whenever there is any difference of opinion, however unimportant, would show a lack of proportion, and I need not now emphasize the objections to any such convention. For it goes without saying that cases of quite minor importance may arise within the

*Marquess of Linlithgow. *Speeches and Statements. 1936-43* (Bureau of Public Information, Government of India, New Delhi, 1945), pp. 80-1.

area under discussion ; and it goes without saying equally that Government, and the position of Ministers, would be impossible if on each such occasion a Governor were required by a binding convention to dismiss his Ministers, or the Ministers felt it incumbent on them to resign. The interruption to administration and the loss of credit to Ministers would be intolerable. All the more so since Ministers would feel compelled to resign on account of a decision for which they were not in any way responsible and on which they would be at liberty to indicate publicly that they differed from the Governor who had in the discharge of his own responsibilities, chosen to take a particular course. It is not by rigid conventions of this nature, but by give and take, by the elasticity which is the governing factor of any successful democratic constitution, that constitutional advance is shown by the experience of history to proceed.

Where on the other hand a really major issue is involved and Ministers, even though they are not responsible for the final decision taken by a Governor and can without any constitutional impropriety make that clear, feel that such action has raised issues of such a character, and affected their position as a parliamentary party, in such a way that they can no longer, without misunderstanding in the country, associate themselves with the Governor in the work of administration, then it is open to Ministers to resign. Or, if they do not resign and the Governor feels that his partnership with them cannot with profit to the public continue, it is open to a Governor, and indeed incumbent on him, to dismiss them. But the object of Governors, and I feel confident, the object of the Ministers, will at all times be to avoid such a state of things arising. The mere fact that the Government of India Act covers contingencies such as the dismissal of Ministers, the breakdown of the Constitution, or the like, is not for one moment to be taken as involving an assumption that the framers of the Act, those concerned with its administration, or anyone, indeed, who is concerned for the constitutional progress and development of this great country, wishes to see those contingencies turned into realities. The design of Parliament, and the object of those of us who are the servants of the Crown in India and to whom it falls to work the provisions of the Act, must be and is to ensure the utmost degree practicable of harmonious co-operation with the elected representatives of the people for the betterment and improvement of each individual Province, and of India as a whole ; and to avoid, in every way consistent with the special responsibilities for Minorities and the like which the Act imposes, any such clash of opinion as would be calculatad unnecessarily to break down the machine of government, or to result in a severance of that fruitful

partnership between the Governor and his Ministers which is the basis of the Act, and the ideal, the achievement of which the Secretary of State, the Governor-General, and the Provincial Governors are all equally concerned to secure.

*Resolution of the Working Committee of the Indian National Congress, 26-9 April 1937**

"The Working Committee approves of and endorses the action that the leaders of the Congress Parliamentary Parties in the Provinces took, in pursuance of the resolution of the All-India Congress Committee dated March 18, 1937, on being invited by the Governors in their respective Provinces to help them in the formation of Ministries.

In view of the fact that it is contended by the British Ministers that it is not competent for the Governors, without amendment of the Act, to give the assurance required by the Congress for enabling the Congress leaders to form Ministries, the Committee wishes to make it clear that the resolution of All-India Congress Committee did not contemplate any amendment of the Act for the purpose of the required assurances. The Working Committee moreover is advised by eminent jurists that such assurances can be given strictly within the Constitution.

The Working Committee considers the pronouncements of the policy of the British Government made by Lord Zetland and Mr. Butler are utterly inadequate to meet the requirements of the Congress, are misleading and misinterpret the Congress attitude. Further the manner and the setting in which such pronouncements have been made are discourteous to the Congress. The first record of the British Government as well as its present attitude show that without specific assurances as required by the Congress, popular Ministries will be unable to function properly and without irritating interference. The assurances do not contemplate the abrogation of the right of the Governor to dismiss a Ministry or dissolve a Provincial Assembly when serious differences of opinion arise between the Governor and his Ministers. But this Committee has grave objection to Ministers having to submit to interference by Governors with the alternative of themselves having to resign their office instead of the Governors taking the responsibility of dismissing them."

**The Indian National Congress, Resolutions, 1936-7*,' Allahabad, All-India Congress Committee, 1938, p. 54.

*Resolution of the Working Committee of the Indian National Congress, 5-8 July 1937**

"The All-India Congress Committee, at its meeting held in Delhi on March 18, 1937, passed a resolution affirming the basic Congress policy in regard to the new Constitution and laying down the programme to be followed inside and outside the Legislatures by Congress members of such Legislatures. It further directed that in pursuance of that policy permission should be given for Congressmen to accept office in Provinces where the Congress commanded a majority in the Legislature, and the leader of the Congress Party was satisfied and could state publicly that the Governor would not use his special powers of interference, or set aside the advice of Ministers in regard to their constitutional activities. In accordance with these directions, the leaders of Congress Parties, who were invited by Governors to form Ministries, asked for the necessary assurances. These not having been given, the leaders expressed their inability to undertake the formation of Ministries. But since the meeting of the Working Committee on 28 April last, Lord Zetland, Lord Stanley and the Viceroy have made declarations on this issue on behalf of the British Government. The Working Committee has carefully considered these declarations and is of opinion that though they exhibit a desire to make an approach to the Congress demand they fall short of the assurances demanded in terms of the All-India Congress Committee resolution as interpreted by the Working Committee resolution of 28 April. Again the Working Committee is unable to subscribe to the doctrine of partnership propounded in some of the aforesaid declarations. The proper description of the existing relationship between the British Government and the people of India is that of the exploiter and the exploited, and hence they have a different outlook upon almost everything of vital importance. The Committee feels, however, that the situation created as the result of the circumstances and events that have since occurred, warrants the belief that it will not be easy for the Governors to use their special powers. The Committee has, moreover, considered the views of Congress members of the Legislatures and of Congressmen generally.

The Committee has, therefore, come to the conclusion and resolves that Congressmen be permitted to accept office where they may be invited thereto. But it desires to make it clear that office is to be accepted and utilized for the purpose of working in accor-

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**The Indian National Congress, Resolutions, 1936-7.* Allahabad, All-India Congress Committee, 1938, pp. 59-61.

dance with the lines laid down in the Congress manifesto and to further in every possible way the Congress policy of combating the new Act on the one hand and of prosecuting the constructive programme on the other."

*Letter from Mr. Gobind Ballabh Pant, Prime Minister of the United Provinces, to the Governor of the Province, 15 February 1938**

As Your Excellency intimated to me and my colleagues that, in compliance with order issued to you by the Governor-General under Section 126 (5) of Government of India Act, you are bound to reject the advice which we thought it our duty to tender to you in regard to the release of political prisoners, we think the only course open to us is to tender our resignations, which we hereby do. The issue now raised is of the widest importance both from the constitutional and the administrative points of view. The release of political prisoners has formed a prominent part of Congress programme throughout. It was distinctly mentioned in Congress election manifesto and the electorate in overwhelming numbers has supported the demand of Congress. It was again urged in resolution passed by the Convention in Delhi in March last year. The British Government must therefore have been fully aware of Congress policy and its implication in regard to this matter. It is unthinkable that Governor-General should not have realized that Congress, whenever it accepted office, would take the earliest opportunity to implement Congress programme and to honour its pledges. The Congress was invited to accept office with full knowledge of these facts. An assurance was also definitely held out that Congress in office would be free to carry out its programme. It is exceedingly strange that when, after prolonged and patient consideration and discussion, we proceed to give effect to Congress policy, the Governor-General issues his orders under Section 126 to thwart the Congress Ministry in this Province in this matter. The reasons which have weighed with the Governor-General in taking this decision are not known to us, and in spite of our request to Your Excellency you expressed your inability to disclose them to us. The responsibility for maintaining law and order in the Province is that of Ministers. No Council of Ministers can discharge its functions satisfactorily if its considered

*Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution, 1921-47*, Vol. I, pp. 397-403.

opinion is disregarded arbitrarily in respect of momentous questions, strictly falling within their purview, by outside authority, and when even the courtesy of mentioning the grounds on which such interference is sought is not shown to it. It is inconceivable that release of no more than 15 political prisoners, some of whom were merely boys when they were convicted, and several of whom have undergone long terms of imprisonment and are due to be released within a few months in the usual course, can be a grave menace to peace and tranquillity of any Province in India. We have every reason to believe and are definitely assured that they have abjured the path of violence. The jail authorities have a similar impression after a close observation of individual prisoners in their charge. We have discussed this question on numerous occasions with Your Excellency and we are inclined to believe that you have come at least to appreciate our point of view. The decision of the Governor-General is attributed to extra-provincial affairs and it is significant that action has been taken under Section 126 and not under Section 54, which suggests that Governor of the Province does not consider that there is any menace to peace and tranquillity inside the Province itself. There is an insistent demand in the country for the release of these prisoners and it has been forcefully voiced in our own Assembly by all sections from time to time. Their non-release is apt to disturb peaceful atmosphere, to engender tension and to hamper growth of non-violence spirit. The Government of Burma has recently released all the rebellious prisoners. A general release of all political prisoners followed in 1921, immediately after the introduction of Dyarchy in the Province. We have had occasion to discuss this question in all its aspects with you during the last seven months. While there have been hunger strikes in every other Province, the prisoners here have refrained from doing so and have reposed their trust in us. We had far-reaching and comprehensive programme for agrarian reforms, rural developments, jail reforms, over-haul of local self-governing bodies, education, prohibition and excise reforms, and several other large issues which called for a tranquil atmosphere for their solution. This interference on the part of the Governor-General in the ordinary administration of the Province raises a constitutional issue of gravest import and, instead of promoting peace and tranquillity, is likely to imperil it, not only in this Province but elsewhere in India also. In our considered judgement their release is essential in public interest, and Governor-General has, by his orders, disabled us from performing our elementary duty in this respect. We look upon this interference as an utter abuse, even of provisions of Section 126 (5), and it brings vividly home to us the unsubstantial character of

Autonomy which Provinces are supposed to enjoy, when advice of Council of Ministers can be trampled upon by one entirely outside the Province, and having no direct contact with it, and not a live part in its affairs. In the circumstances there is no alternative into the course which we have taken and we would request you to accept this resignation.

*Resolution of the Indian National Congress, 19-21 February 1938**

In accordance with the direction of the Faizpur Congress, the All-India Congress Committee decided in March 1937, the issue of acceptance of office in Provinces and permitted Congressmen to form Ministries, provided certain assurances were given by or on behalf of the British Government. The assurance not being forthcoming, the Leaders of Congress Parties in the Provincial Assemblies declined at first to form Ministries. Thereafter there was a considerable argument for some months regarding these assurances and various declarations were made by the Secretary of State for India, the Viceroy and the Governor of the Provinces. In these declarations it was definitely stated, among other things, that there would be no interference with the day-to-day administration of provincial affairs by responsible Ministers.

The experience of office by Congress Ministers in the Provinces has shown that at least in two Provinces, the United Provinces and Bihar, there has in fact been interference in the day-to-day administration of provincial affairs as shown hereafter. The Governors, when they invited Congress members to form Ministries, knew that the Congress Manifesto had mentioned the release of political prisoners as one of the major items of the Congress policy. In pursuance thereof the Ministers began the release of political prisoners and they soon experienced delay, which was sometimes vexatious, before the Governors would endorse the orders of release. The way releases have been repeatedly delayed is evidence of the exemplary patience of Ministers. In the opinion of the Congress, release of prisoners is a matter coming essentially within the purview of day-to-day administration, which does not admit of protracted discussion with Governors. The function of the Governor is to guide and advise Ministers, and not to interfere with the free exercise of their judgement in the discharge of their day-to-day duty. It was only when the time came for the Working Committee to give an annual account to the Congress delegates and to the masses of people backing them, that the

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**The Indian National Congress, Resolutions, 1938-9* (Allahabad, All-India Congress Committee, 1938), pp. 12-16.

Committee had to instruct Ministers, who were themselves sure of their ground, to order release of the political prisoners in their charge and to resign if their orders were countermanded. The Congress approves of and endorses the action taken by the Ministers of the United Provinces and Bihar and congratulates them on it.

In the opinion of the Congress, the interference of the Governor-General with the deliberate action of the respective Prime Ministers is not merely a violation of the assurance above referred to, but it is also a misapplication of Section 126(5) of the Government of India Act. There was no question of grave menace to peace and tranquillity involved. The Prime Ministers had besides in both cases satisfied themselves from assurances from the prisoners concerned and otherwise of their change of mentality and acceptance of the Congress policy of non-violence. Indeed, it is the Governor-General's interference which has undoubtedly created a situation that may easily, in spite of the Congress effort to the contrary, become such a grave menace.

The Congress has, during the short period that Congressmen have held office, given sufficient evidence of their self-sacrifice, administrative capacity in the matter of enacting legislation for the amelioration of economic and social evils. The Congress gladly admits that a measure of co-operation was extended by the Governors to the Ministers. It has been the sincere effort on the part of the Congress to extract what is possible from the Act for the public good and strengthen the people in the pursuit of their goal of complete independence and the ending of imperialistic exploitation of the masses of India.

The Congress does not desire to precipitate a crisis which may involve non-violent non-cooperation and direct action consistent with the Congress policy of truth and non-violence. The Congress is therefore at present reluctant to instruct Ministers in other Provinces to send their resignations by way of protest against the Governor-General's action, and invites His Excellency the Governor-General to reconsider his decision so that the Governors may act constitutionally and accept the advice of their Ministers in the matter of the release of the political prisoners.

*Statement by His Excellency the Viceroy, Lord Linlithgow, 22 February 1938**

The history of the difficulties which have arisen in United Provinces and Bihar in connexion with the release of prisoners des-

*Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. I, pp. 397-403.

cribed as political prisoners is well known. In both Provinces discussions regarding the release of prisoners in this class have, for some time past, been proceeding between Ministers and Governors ; and Governors throughout made it clear that they were ready and willing to examine individual cases and would not stand in the way of release, unless where circumstances were clearly such as to involve responsibilities laid upon them by the Act. The principle of individual examination was well established over many months in Provinces where Congress is in power. It was equally established in other Provinces, and Mr. Gandhi himself has proceeded on this basis in his recent discussion with the Government of Bengal. It was thus no new thing.

Discussions regarding release after examinations of individual cases were still proceeding, when on 14th February a demand was tendered by the Premiers of Bihar and the United Provinces for immediate general release of all prisoners classed as 'political' in those two Provinces. In the case of Bihar that demand, received by the Governor at 1 P.M., called for action by the Chief Secretary in this case by 4 P.M. the same day. In the case of the United Provinces the time limit set for compliance was, also, brief to a degree. In the case of Bihar the Premier made it clear that as a matter of principle he could not agree to individual examination. In the case of the United Provinces, after much discussion Ministers made it clear that a policy of gradual individual release would not satisfy them.

The prisoners in question are almost without exception persons convicted of violence or of preparation for specific acts of violence, by normal criminal courts....Their record is such that individual examination was called for, not merely for the reason I have given but in the interest of public safety, and that examination was equally essential in the interest of maintenance of sanctions of law, and of authority and position of courts.

In these circumstances, having regard to the responsibilities which under the Constitution, are placed upon the Governor-General, the Governors of both Provinces, after consulting their Ministers, referred for my instructions the advice which their Ministers had tendered. Having regard to the circumstances described above; to the essential necessity of considering the reaction on adjoining Provinces of the release of these prisoners ; and to fact that acceptance of the principle that terrorist convicts should be indiscriminately released without regard to individual considerations would be highly dangerous and in view of the history of terrorism in the past could not fail to give impetus to fresh terrorist organization in Bengal, careful consi-

deration left me with no choice but conclude that issues involved were such that it was incumbent on me to issue an instruction to those Governors under provisions of Section 126(5) of the Act. That section empowers the Governor-General to issue orders to Governors of Provinces as the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace and tranquillity of India or of any part thereof. To acquiesce in the immediate and indiscriminate release of prisoners with records of violent crime would have been to strike a blow at the root of law and order in India ; dangerously to threaten peace and good government, and to run a grave risk to peace and tranquillity ; all the more so since this categorical demand took no account of possible reactions of certain releases on the position elsewhere, or of the reiterated readiness of Governors to examine individual cases.

The Governors, on receipt of my instructions, informed their Ministers that they could not accept their advice on this matter. The Ministers therefore tendered their resignation.

The Governors concerned, and I, so far as I am concerned, have done our utmost over the last seven months to work in harmonious co-operation with the Congress Ministers of both these Provinces and all possible help has been lent them. There has been no foundation over that period for any suggestion that it is the policy, or desire of the Governor-General or of the Governors to impede or interfere with legitimate activities of these Ministries, or to take any step the necessity for which was not imposed upon them by the terms of the Act. This is equally true to-day.

I have made it clear that in issuing the instructions I did, I had no hesitation in feeling that a grave menace to the basis of law and order, and so to the peace and tranquillity of India, would have been involved in acceptance by the Governors of demands of such an order presented to them in such a manner.

As regards the particular issues of the release of prisoners, so far as the Governors are concerned there is no going back of the policy of readiness to examine individual cases, and the Governors remain ready to agree to release after examination, where no undue risk in their own Province, or in other Provinces, is involved. There is no impropriety, whatever may be suggested to the contrary, in their requiring such individual examination, or in their declining without it to accept the advice of their Ministers. Ministers are responsible for law and order. But they are so responsible under the Act subject to the responsibility of Governors to ensure the peace and tranquillity of their own Province ; and the Governors are

bound to have in mind the corresponding responsibility that falls on the Governor-General for the peace and tranquillity of India or any part thereof. Neither a Governor nor the Governor-General will wish to see his responsibility attracted, but, as I made clear in my message of last June, where that responsibility is in fact attracted, neither the Governor nor the Governor-General can shrink from discharging it.

Finally, and this I wish particularly to emphasize, there is no foundation for the suggestion that the action I have taken is dictated by a desire to undermine the position of Congress Ministries. The record of the last seven months should have made it abundantly clear that the Governors and I myself are only too anxious to lend all assistance that we properly can within the framework of the Act to any Ministry in power in a Province. Neither the Governor nor the Governor-General have any desire to interfere, or any intention of interfering with the legitimate policy of a Congress or any other Government. The action taken was designed to safeguard the peace and tranquillity of India and, incidentally, to uphold the sanctions of law and orderly functioning of the constitutional machine. That action leaves it open to Ministers, in consultation with the Governors, to pursue a policy of release of prisoners, and they need anticipate no difficulty now, any more than in the past, in securing the friendly and ready co-operation of the Governors in individual examination. I am glad to think that in no quarter is there manifest any disposition to extend the area of difficulty beyond the limits of the position which I have described, and it is my sincere and earnest hope that it may shortly be possible to return to normality and that in the two Provinces most concerned Ministers in discussion with the Governors may find themselves able to resume their interrupted labours.

*Statement by Gandhiji, 23 February 1938**

No one has questioned the propriety of examining the cases of prisoners to be discharged but what I have questioned and the Congress most emphatically questions is the propriety of such examination by the Provincial Governors in Provinces said to be enjoying complete Provincial Autonomy. The duty and right of examination belong solely to the responsible Ministers as I understand the Government of India Act and the convention in the responsibly governed Colonies.

The Governors' duty and right are to advise their Ministers on questions of broad policy and warn them of the danger in their exercise of certain powers but, having done so, to leave their Minis-

*The Indian Annual Register (1938), Vol. I, p. 310.

ters free to exercise their unfettered judgement. If such were not the case responsibility would become a perfectly meaningless term and the Ministers responsible to their electors would have as their share nothing but odium and disgrace if their responsibility had to be shared with the Governors in the daily administration of affairs by law entrusted to them.

It is hardly graceful for His Excellency to quote against the poor Ministers their non-exercise of their undoubted powers to prevent the Governors from examining individual cases. The Congress resolution describes their forbearance as exemplary patience. I would venture to add that probably it was also the inexperience of the Ministers who were totally new to their task.

I am afraid, therefore, that unless this crucial question is decided in favour of the Ministers it will be difficult for them to shoulder the grave responsibility that the Congress has permitted them to take over.

I am glad His Excellency has drawn public attention to the method I adopted in Bengal. He might have noted also the difference between Bengal on the one hand and the U.P. and Bihar on the other. In Beagal I was dealing with a Government which was not bound by the Congress manifesto in any shape or form. The Ministers there, rightly or wrongly, would not listen to wholesale discharge of convicted prisoners. I was treading upon very delicate ground in pursuance of my promise to the prisoners. My motive was purely humanitarian and the only weapon that I had at my disposal was an appeal to the humanity of the Bengal Ministers and I am glad to be able to testify that I was not speaking to hearts of stone.

The situation in the U.P. and Bihar is totally different. The Ministers there are bound by the manifesto which gave them victory at the polls. They had not only examined the cases of all prisoners whose release they were seeking but, being fully aware of their responsibility for the due preservation of peace in their Provinces, they had personally secured assurances from the prisoners in question that the latter no longer believed in the cult of violence.

One thing in His Excellency's statement gives me the hope that the impending crisis might be prevented. He has still left the door open for negotiations between the Governors and the Ministers.

I recognize that the notices were sudden because in the nature of things they had to be so. All parties have now had ample time for considering the situation. In my opinion, the crisis can be avoided if the Governors are left free to give an assurance that their examination of the cases was not intended to be a usurpation of the power of

the Ministers and that since the latter had armed themselves with assurances from the prisoners they were free to release them on their own responsibility and I hope that the Working Committee will leave the Ministers free, if they are summoned by the Governors, to judge for themselves whether they are satisfied by the assurances they may receive.

*Dr. Shyama Prasad Mookerjee, Minister for Finance, Government of Bengal, on undue Interference of the Governor in the Work of the Ministry, 16 November 1942**

Broadly speaking, my reasons for resignation are two-fold. First, as I intimated to you at the earliest opportunity on August 9 last I disapprove of the policy adopted by the British Government and the Government of India with regard to the present political situation in the country. I am aware that you, as a Provincial Governor, have hardly any responsibility for the formulation of this policy. But my second reason mainly concerns you. And that is connected with the manner, in my opinion unwarranted, in which you have interfered with the work of the Ministry and have rendered so-called Provincial Autonomy into a meaningless farce. Although you could not be held responsible for any all-Iadia decisions, you might have risen to the full height of statesmanship and by pursuing a bold and straightforward policy of trust and co-operation, changed the tone of the administration in Bengal, leading to a wholesome relaxation of the political situation and ensuring the safety of a Province which is now one of the north-eastern war frontiers in India.

Let me refer briefly to the general political situation in the country. My letter to the Viceroy fully explains my view point. But I should record here the extraordinary manner in which you acted when you received information of the policy as determined by the Government of India regarditg the threatened Congress movement. When the letter from the Government of India came to the Chief Secretary, you showed it to and discussed it with the Chief Minister who rightly suggested that the policy enunciated by the Government of India on so important a subject should be fully discussed by Cabinet.

**India Unreconciled* (*The Hindustan Times*, New Delhi, 1944), pp. 100-7.

Dr. S. P. Mookerjee resigned his office on 16 November 1942 as a protest against the Central Government's policy with regard to the political situation in the country, and what he regarded as the Bengal Governor's constant encroachments in the field of the Ministers. The above extracts are taken from his letter to the Governor of Bengal explaining why he had submitted his letter of resignation to him through the Chief Minister.

Also in

Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. I, pp. 404-407.

You deliberately rejected this advice and even asked the Chief Minister to keep back the contents of the letter from his colleagues, although some permanent officials saw it and recorded their plans for giving effect to the directions. You decided that the Cabinet would consider the letter only after information had been received from the Government of India that effect had actually been given to the policy formulated by it, following the arrest of the Congress leaders. Consultation at this stage was utterly useless as it gave no opportunity to Cabinet to record its views and communicate them for the effective consideration of the Government of India.

When on August 9, after the arrest of the Congress leaders at Bombay, you called us together and asked us either to accept the policy or to resign, I pointed out to you that your action was extraordinary and brought Provincial Autonomy to a state of ridicule. You expected Ministers to stand by you on the basis of collective responsibility but decline to trust them and consult them on such a vital matter except at the very last moment when consultation was indeed fruitless.

* * * *

I regret to say that from the very beginning of our association with you, you have failed to rise to that impartial height of a Provincial Governor which could have given you courage and foresight to respect the Constitution, establish new conventions and broaden the base of the provincial administration so as to win the affection and confidence of the people. You have all along permitted yourself to be guided by a section of permanent officials—loyal diehards, according to you ; short-sighted and reactionary, according to us—resulting in the establishment of a Government within a Government which has proved disastrous to the interests of the province.

I shall not go into details. But let me remind you that you showed no sympathy whenever proposals for the recognition of the people's rights in various fields of activity were made. They were turned down by you because of deep-rooted distrust and suspicion. Our proposal for raising a Bengal Army was not acceptable to you for reasons which would not even bear scrutiny. This alone would have revolutionized public opinion in Bengal. The scheme for popularizing the Home Guard was rejected by you in spite of unanimous advice of all the Ministers. simply you and your officials were afraid of trusting the people. You have systematically resisted the appointment of Parliamentary Secretaries and the expansion of Cabinet, just to embarrass the Ministry. Even before the Congress started any movement, you declined to give back to thousands of Bengalees their freedom which had been denied to them on suspicion or for partici-

pation in political movements, although we were prepared to take full responsibility for their future behaviour and activities consistent with the war situation. Recommendations for individual releases or even for temporary relaxation were turned down by you, utterly oblivious of any assurance given by us. In matters relating to the Denial Policy you failed to realize the untold suffering into which thousands of people would be thrown and the discontent that was bound to follow ; and only after a good deal of effort could that policy be only slightly modified. We do not yet know what plans have been kept ready for destruction of plants, machinery and other properties in case of enemy invasion. Even in matters relating to supply of food and control of supply you have interfered with Ministerial action and have rendered our task extremely embarrassing. You have discouraged the growth of collective responsibility among Ministers while taking momentous decisions on vital issues. Ministerial advice has been brushed aside in regard to selection and posting of officers, while your unabashed softness for the present Opposition Party is in marked contrast to the treatment we used to receive in a similar capacity when the last Ministry was in office. Even with regard to a simple question like prorogation of the last session of the Assembly, you have declined to accept our advice. Indeed I did not even receive a reply from you to my letter written early in October, pointing out how the Province had to incur wasteful and avoidable expenditure due to your decision not to prorogue the Assembly, simply to harass the Ministry. In matters affecting the rights and liberties of the people you have constituted yourself into an appellate authority and you claim to act in exercise of your special powers under the Government of India Act. I have repeatedly told you that this is an absurd situation. During the war you can function with success only if you regard yourself as primarily responsible to the people of this Province and act on the advice of their chosen representatives. But you have regarded yourself as one who is beyond anybody's control, enjoying powers without being required to give account to any other authority. You have expressed your annoyance from time to time, that Ministers are not more active in rousing public opinion in respect of matters relating to war or the general political situation. You will not allow Ministers to function and administer according to their own light and judgement. You and some of your officers will commit Government to policies and acts which Ministers do not approve of and afterwards you expect them to stand up as obedient persons fully justifying the results of your mistaken policy. The brunt of the attack falls on Ministers. The Legislature is even precluded from citicizing or commenting on

your conduct. You in your turn do not hesitate to take advantage of, and sometimes even go beyond the spirit of, the provisions of the Government of India Act and the Instrument of Instructions, thus reducing ministerial administration to a mockery.

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The manner in which collective fines have been imposed by Government throughout the Province deserves severe condemnation. The scheme of imposition of collective fines on Hindus alone, irrespective of their guilt, has been an all-India feature and is a British revival of the ancient policy of *jizia* for which Aurangzeb made himself famous. In Bengal the Chief Minister had been averse to the imposition of such fines and tried again and again to lay down certain principles which were unimpeachable from the point of view of elementary justice. You have interfered with the Chief Minister's decision and have prevented him from giving effect to these directions. Amounts have been imposed in many cases without any regard to the total damage caused or to the part played by the inhabitants concerned...Fines have been imposed in many cases without the Chief Minister knowing what was being done. Only recently it was suggested by the Chief Minister that the realization might be delayed by a fortnight and the entire policy considered at a Cabinet meeting. Your answer to this request, which was made on behalf of us all, was in full conformity with the traditions which you had already established. You had no objection to a Cabinet meeting being held. But you indicated beforehand with sufficient clearness, but with unbecoming impropriety and discourtesy to Ministers, that you would in any case pass orders in exercise of your individual judgement for the immediate collection of the fines.

MR. JINNAH ON THE CONGRESS DEMAND FOR A CONSTITUENT ASSEMBLY, 1939-40*

Suddenly Mr. Gandhi, who was always sceptical about the Constituent Assembly, has now become an enthusiastic convert and its champion. He has been misrepresenting and insinuating motives to the Muslim League recently—for instance, that the League is an obstacle to the progress of the country and is out to sell itself to the highest bidder—in his periodical articles published in the *Harijan*. He generally indulges in a campaign of polemics and metaphysics, *ahimsa* and truth.

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* *Reply dated December 14, 1939, to Mahatma Gandhi's statement on the Constituent Assembly, published in the "News Chronicle".*

Also in

Banerjee, A. C. *The Making of the Indian Constitution*, 1939-1947, Vol. I. p. 15-19.

But his interview to the *News Chronicle* is for the consumption of the British public. A more disingenuous statement it would be difficult to find, coming from Mr. Gandhi, and it is a pity it comes from one who is a votary of truth. His sudden affection for the Constituent Assembly is on a par with what he has only striven for two decades.

"The opinion that counts is Indian opinion, not even the Congress opinion. India's opinion can be ascertained by the free vote of her people. The only true and democratic method is to ascertain their will through adult suffrage, or any agreed equivalent."

The first question will be when he says "any agreed equivalent to adult suffrage" ; between whom is that agreement to be arrived at ? Secondly, if British is not to depend on Muslim, Hindu or any other opinion, not even Congress opinion, then what is India's opinion ?

Now that the Congress stands exposed, that it does not represent India and that it is really a Hindu body, Mr. Gandhi is pleased suddenly to stand for a Constituent Assembly, which, in the present condition of India, will mean a second and larger edition of the Congress.

Having brushed aside the Indian Princes, ignoring their existence altogether, he (Mr. Gandhi) proceeds to lay down a most extraordinary proposition. "I fail to see," he says, "why Britain's intention about India should be dependent upon Muslim, Hindu or any other opinion."

Mr. Gandhi then proceeds te say, "So far as the Congress is concerned, the people of the Indian States should be represented precisely on the some footing as those of British India." Who will arrange that ? And how are electorates to be established there ? And what is to happen to the Treaty rights and relationship between the British Government and the Indian Princes ?

Then he proceeds, "Muslims and other accepted minorities may be represented by separate electorates, if necessary." This is a concession, but there is no grace in it when he further proceeds to state that it should be done in exact proportion to their numbers. He knows perfectly well that they will be in a hopeless minority in the Constituent Assembly of Mr. Gandhi's conception, where he hopes to get a brute majority against the Muslims, including other minorities.

He makes a further concession that "they will determine what is required for their protection." Is the Constituent Assembly to be bound by the minority vote as to what is required for their protection and for each minority ? And then comes the omnibus clause, which

is fundamentally wrong, and once more shows blind arrogance, when he says that in all matters of common interest the composite majority decision should prevail. Therefore, the Muslims and other minorities will have to submit to the verdict of the Assembly as to the nature, character and the form of the future constitution of India, which will presumably be dictated by Mr. Gandhi on behalf of the Congress, as for instance, Muslims and other minorities may prefer a bicameral legislature, whereas the Congress-controlled majority of the Assembly may decide against it—which, according to Mr. Gandhi, will be final.

But evidently his newborn faith in the Constituent Assembly is getting shaken a bit already, because he says if a better way than the Constituent Assembly could be found "for knowing the will of the people, so far as I know, the Congress will accept it without hesitation." Mr. Gandhi is neither concerned with the size of the country nor the illiteracy of the masses. A truly representative Assembly presupposes that in order faithfully to express the judgement of the people it can only be constituted if you have a fully developed public opinion, an electorate educated and experienced, free from superstition and capable of judging the vital political issues affecting the country, and not as India stands to-day, composed of castes, creeds, superstitions and provincial jealousies, quite apart from the main division of British India and the Indian States.

The Assembly proposed by Mr. Gandhi would at best, therefore, be a packed body manoeuvred and managed by the Congress caucus. It is surprising when Mr. Gandhi complacently says that an election campaign will itself be sufficient education for the purpose of broadly knowing the popular will. But have we not had sufficient evidence, under the present Constitution, though in smaller and more informed electorates ? And what about the experience of the Congress (with its four-anna franchise) of abuses of power and malpractices which were eloquently condemned by Mr. Gandhi himself ? It will not be the "popular will," as Mr. Gandhi professes, but it will be the will of one community, which is in an overwhelming majority.

But he is anxious, "as a friend of Britain, bound by many personal ties, that she should come out victorious not because of superiority in the use of arms but because of her will to be just all along the line" ; hence his anxiety to advise Britain to follow him to secure success in the war !

Mr. Gandhi's notion of justice is to follow what he advises, then alone it can be just. I am constrained to say, I wish Mr. Gandhi will stop airing views which change from day to day and week to week and which consistently perpetuate inconsistencies, and apply his mind to the only and one question, namely, settling the Hindu-Muslim

question as he, of all the Congress leaders, is best fitted to represent the Hindus as such and he can deliver the goods on behalf of the Hindus and bring about complete adjustment between the two major communities and the rest will follow. I need hardly reiterate that I am willing to help to the utmost of my power on behalf of the Muslims towards an honourable solution.

Apart from this academic discussion about a Constituent Assembly, it shows colossal ignorance, both historic and constitutional, to expect a foreign power that is dominating this country to sign its death warrant. The Constituent Assembly can only be real when it has got the sovereign authority of the people, behind it, forged by the people, and who are in a position to convene such a supreme national body, whose decisions and verdict could be respected and honoured and whose fiat and writs could be enforced. It is puerile to ask the British Government, in the first instance, to call a Constituent Assembly of another nation and afterwards have the honour and privilege of placing the Constitution framed by this supreme assembly of India on the Statute Book of the British Parliament.

*Speech at the Associated Chambers of Commerce, Calcutta, December 16, 1940**

... ..Throughout the whole of this constitutional discussion, the initiative has come from His Majesty's Government and from myself. At no stage have any constructive proposals capable of realisation in the conditions of India and in the conditions of the modern world been put forward to us.....But His Majesty's Government and I are satisfied that the proposals** put forward by me on their behalf on 8th August last remain the best solution of the problems of this country that can be found at this time.....

It is but natural in times such as these, when, in the different circumstances of English democracy, the affairs of the State are being guided at this critical moment by a National Government, that the idea of a National Government for India should have received the prominence which it has in this country. With that idea we all of us sympathise. But.....I am satisfied that the proposals of 8th August, the opportunity they gave for the participation in the Central Government of India and in the conduct of the war of the representatives of the leading political parties, represent more closely than any other

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* *This speech was delivered by Lord Linlithgow.*

** The proposals were : 'a certain number of representative Indians' were to be invited to join the Governor-General's Executive Council, and a War Advisory Council was to be established, 'which would meet at regular intervals and which would contain representatives of the Indian States, and of other interests in the national life of India as a whole'.

scheme that can at this time be devised for a national Government for India—a Government, associated through the War Advisory Council with the Indian States, that will contain within itself the representatives of those great parties and communities, that will exercise full and real influence on the conduct of the war.....

The Cripps Mission, 1942
*Statement by the Prime Minister in the House of Commons, 11 March 1942**

The crisis in the affairs of India arising out of the Japanese advance has made us wish to rally all the forces of Indian life, to guard their land from the menace of the invader. In August 1940 a full statement was made about the aims and policy we are pursuing in India. This amounted, in short, to a promise that, as soon as possible after the war, India should attain Dominion Status, in full freedom and equality with this country and the other Dominions, under a Constitution to be framed by Indians, by agreement among themselves and acceptable to the main elements in Indian national life. This was, of course, subject to the fulfilment of our obligations for the protection of Minorities, including the Depressed Classes, and of our treaty obligations to the Indian States, and to the settlement of certain lesser matters arising out of our long association with the fortunes of the Indian sub-continent.

However, Sir, in order to clothe these general declarations with precision and to convince all classes, races and creeds in India of our sincere resolve, the War Cabinet have agreed unitedly upon conclusions for present and future action which, if accepted by India as a whole, would avoid the alternative dangers either that the resistance of a powerful Minority might impose an indefinite veto upon the wishes of the majority or that a majority decision might be taken which would be resisted to a point destructive of internal harmony and fatal to the setting-up of a new constitution. We had thought of setting forth immediately the terms of this attempt by a constructive British contribution to aid India in the realization of full self-government ; we are, however, apprehensive that to make a public announcement at such a moment as this might do more harm than good. We must first assure ourselves that our scheme would win a reasonable and practical measure of acceptance, and thus promote the concentration of all Indian thought and energies upon the defence of the native soil. We should ill serve the common cause if we made a declaration which would be rejected by essential elements

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*Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. II, p. 519.

in the Indian world, and which provoked fierce constitutional and communal disputes at a moment when the enemy is at the gates of India.

Accordingly, we propose to send a member of the War Cabinet of India to satisfy himself upon the spot by personal consultation that the conclusions upon which we are agreed, and which we believe represent a just and final solution, will achieve their purpose. My right hon. and learned Friend the Lord Privy Seal and Leader of the House has volunteered to undertake this task."

Declaration of the British Government
*11 March, 1942**

"His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realization of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic and external affairs.

His Majesty's Government therefore make the following declaration :—

(*a*) Immediately upon cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new constitution for India.

(*b*) Provision shall be made, as set out below, for participation of Indian States in the constitution-making body.

(*c*) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to :

(*i*) The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new constitu-

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*Banerjee, A.C. The Making of the Indian Constitution, 1939-1947. Vol. I, p. 27.
Also in
Gwyer, *Sir,* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution,* 1921–1947, Vol. II.

tion giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(*ii*) The signing of a treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands : it will make provision, in accordance with undertakings given by His Majesty's Government, for the protection of racial and religious minorities, but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the constitution, it will be necessary to negotiate a revision of its treaty arrangements so far as this may be required in the situation.

(*d*) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities :

Immediately upon the result being known of provincial elections which will be necessary at the end of hostilities, the entire membership of Lower Houses of Provincial Legislatures shall as a single electoral college proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about 1/10th of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian members.

(*e*) During the critical period which now faces India and until the new constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world war effort but the task of organizing to the full the military, moral and material resources of India must be the responsibility of the Government of the India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

Draft Declaration For Discussion with Indian Leaders
*Published on 30 March 1942**

The conclusions of the British War Cabinet as set out below are those which Sir Stafford Cripps has taken with him for discussion with the Indian leaders and the question as to whether they will be implemented will depend upon the outcome of these discussions which are now taking place.

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realization of self-Government in India. The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and the other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government therefore make the following declaration :

(*a*) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hareafter, an elected body charged with the task of framing a new Constitution for India.

(*b*) Provision shall be made, as set out below, for the participation of the Indian States in the canstitution-making body.

(*c*) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to :

(*i*) the right of any Province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides. With such non-acceding Provinces should they so desire, His Majesty's Government will be prepared to agree upon a new constitution, giving them the same full status as Indian Union, and arrived at by a procedure analogous to that here laid down.

(*ii*) the signing of a treaty which shall be negotiated between His Majesty's Government and the constitution-

*Gwyer, *Sir*, Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921–1947, Vol. II, pp. 520–537.

making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands ; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities ; but will not impose any restriction on the power of the Indian Union to decide in the future its relationship to the other member States of the British Commonwealth.

(*iii*) Whether or not an Indian State elects to adhere to the constitution, it will be necessary to negotiate a revision of its treaty arrangements, so far as this may be required in the new situation.

(*d*) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities :

Immediately upon the result being known of the Provincial elections which will be necessary at the end of hostilities, the entire membership of Lower Houses of the Provincial Legislatures shall, as a single electoral college, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of the representatives of British India as a whole, and with the same powers as the British Indian members.

(*e*) During the critical period which now faces India and until the constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the defence of India as part of their world war effort, but the task of organizing to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the

discharge of a task which is vital and essential for the future freedom of India.

Broadcast by Sir Stafford Cripps, Delhi,
*30 March 1942**

First of all you will want to know what object we had in view. Well, we wanted to make it quite clear and beyond any possibility of doubt or question that the British Government and the British people desire the Indian peoples to have full self-government, with a Constitution as free in every respect as our own in Great Britain or as of any of the great Dominion members of the British Commonwelth of Nations. In the words of the Draft Declaration, India would be 'associated with the United Kingdom and other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs'.

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The principle on which these proposals are based is that the new Constitution should be framed by the elected representatives of the Indian people themselves. So we propose that immediately hostilities are ended, a constitution-making body should be set up consisting of elected representatives from British India and if the Indian States wish, as we hope they will, to become part of the new Indian Union, they too will be invited to send their representatives to this constitution-making body, though, if they do, that will not, of itself, bind them to become members of the Union. That is the broad outline of the future.

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But, as we all know, the most vital and difficult question is that which concerns the interests of the various communities amongst the Indian peoples.

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There are those who claim that India should form a single united country : there are others who say it should be divided up into two, three or more separate countries. There are those who claim that provincial autonomy should be very wide with but few centrally controlled federal services ; others stress the need for centralization in view of the growing complexity of economic development.

These and many other and various ideas are worthy to be explored and debated, but it is for the Indian peoples, and not for any outside authority, to decide under which of these forms India will in future govern herself.

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**The Indian Annual Register* (1942), vol. I. pp. 221-4.

We have specified the form which that (constitution-making) body will take, unless, and this is an important point, the leaders of the principal sections of Indian opinion agree between themselves before the end of hostilities upon some other and better form.

That constitution-making body will have as its object the framing of a single constitution for the whole of India—that is, of British India, together with such of the Indian States as may decide to join in.

But we realize this very simple fact : If you want to persuade a number of people who are inclined to be antagonistic to enter the same room, it is unwise to tell them that once they go in there is no way out—they are to be for ever locked in together. It is much wiser to tell them they can go in and if they find that they cannot come to a common decision, then there is nothing to prevent those who wish from leaving again by another door. They are much more likely all to go in if they have knowledge that they can by their free will go out again if they cannot agree.

Well, that is what we say to the Provinces of India. Come together to frame a common constitution—if you find after all your discussion and all the give and take of a constitution-making assembly that you cannot overcome your differences and that some Provinces are still not satisfied with the constitution, then such Provinces can go out and remain out if they wish and just the same degree of self-government and freedom will be available for them as for the Union itself, that is to say complete self-government.

We hope and expect to see an Indian Union strong and united because it is founded upon the free consent of all its peoples, but it is not for us, Britishers, to dictate to you, the Indian peoples. You will work out and decide that problem for yourselves.

So we provide the means and the road by which you can attain that form of the absolute and united self-government that you desire at the earliest possible moment. In the past we have waited for the different Indian communities to come to a common decision as to how a new Constitution for a self-governing India should be framed and because there has been no agreement amongst the Indian leaders, the British Government has been accused by some of using this fact to delay the granting of freedom to India. We are now giving the lead that has been asked for and it is in the hands of Indians and Indians only whether they will accept that lead and so attain their own freedom. If they fail to accept this opportunity the responsibility for the failure must rest with them.

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As regards the position of minority communities within the new Indian Union, I am confident that the constitution-making body will make just provision for their protection. But in view of the undertakings given to these Minorities by His Majesty's Government in the past we propose that in the treaty, which, under the Draft Declaration, will be concluded between His Majesty's Government and the constitution.-making body the new Indian Union should undertake to protect the rights of these Minorities. If there should be any non-acceding Provinces a similar treaty provision would be made in respect of minority communities within their borders.

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It (the proposals for the immediate future) contains one essential reservation—that in respect of the responsibility for Defence. This reservation does not mean that the Governor-General and his Executive Council will or indeed could be excluded from taking an effective share in the counsels for the defence of India. In this wide-flung war, defence cannot be localized in a single country and its preparation must permeate the activities of every department of Government and must demand from every department the fullest co-operation. If His Majesty's Government are to take full responsibility for the conduct of the naval, military and air defence of India, as it is their duty to do, then the defence of India must be dealt with by them as part of the world war effort in which they are now engaged, and the direction of that defence must rest in the hands of the Commander-in-Chief under the War Cabinet and their highest staff officers. But, as I have already pointed out, the Government of India must also have an effective share in the defence counsels and we have decided that the Commander-in-Chief must retain his position as a member of the Executive Council.

In order, however, that India may have her full voice in this central control of strategy, defensive and offensive, not only in India itself but in all the interrelated theatres of war, we have invited the appointment of a representative Indian to the War Cabinet and to the Pacific Council of the United Nations—that is one of the ways in which India will have her full say in the counsels of the Commonwealth and of the United Nations as an equal partner. And when it comes to the making of the peace, India will appoint her own representatives to the peace conference side by side with those of the other free nations and so make her contribution to the building of a new world order.

I am confident that nothing further or more complete could be done towards the immediate realization of the just claims and demands of the Indian peoples. Our proposals are definite and precise.

If they were to be rejected by the leaders of Indian opinion, there would be neither the time nor the opportunity to reconsider this matter till after the war and it would be a bitter blow to the friends of India all over the world.

*Resolution of the Working Committee of the Indian National Congress, 2 April 1942**

The Working Committee have given full and earnest consideration to the proposals made by the British War Cabinet with regard to India and the elucidation of them by Sir Stafford Cripps.

These proposals, which have been made at the very last hour because of the compulsion of events, have to be considered not only in relation to India's demand for independence but more especially, in the present grave war crisis, with a view to meeting effectively the perils and dangers that confront India and envelop the world.

Congress has repeatedly stated, ever since the commencement of the war in September 1939, that the people of India would line themselves with the progressive forces of the world and assume full responsibility to face the new problems and shoulder the new burdens that had arisen, and it asked for the necessary conditions to enable them to do so to be created. The essential condition was the freedom of India, for only the realization of present freedom could light the flame which would illuminate millions of hearts and move them to action.

At the last meeting of the All India Congress Committee, after the commencement of the war in the Pacific, it was stated that : 'Only a free and independent India can be in a position to undertake the defence of the country on a national basis and be able to help in the furtherance of the larger causes that are emerging from the forum of war.'

The British War Cabinet's new proposals relate principally to the future, upon the cessation of hostilities. The Committee, while recognizing that self-determination for the people of India is accepted in principle in that uncertain future, regret that this is fettered and circumscribed and that certain provisions have been introduced which gravely imperil the development of a free and united national government and the establishment of a democratic state. Even the constitution-making body is so constituted that the people's right of self-determination is vitiated by the introduction of non-representative elements.

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*The statement was released to the Press on 11 April, 1942 by the A.I.C.C. office, Allahabad,

The people of India have, as a whole, clearly demanded full independence, and Congress has repeatedly declared that no other status except that of independence for the whole of India could be agreed to or could meet the essential requirements of the present situation.

The Committee recognize that future independence may be implicit in the proposals, but the accompanying provisions and restrictions are such that real freedom may well become an illusion.

The complete ignoring of ninety millions of people in the Indian States, and their treatment as commodities at the disposal of their rulers, is a negation both of democracy and self-determination. While the representation of an Indian State in the constitution-making body is fixed on a population basis, the people of the State have no voice in choosing those representatives, nor are they to be consulted at any stage while decisions vitally affecting them are being taken. Such States may in many ways become barriers to the growth of Indian freedom, enclaves where foreign authority still prevails, and where the possibility of maintaining foreign-armed forces has been stated to be a likely contingency and a perpetual menace to the freedom of the people of the States as well as of the rest of India.

The acceptance beforehand of the novel principle of non-accession for a Province is also a severe blow to the conception of Indian unity and an apple of discord likely to generate growing trouble in the Provinces, and which may well lead to further difficulties in the way of the Indian States merging themselves into an Indian Union. Congress has been wedded to Indian freedom and unity and any break of that unity especially in the modern world when peoples' minds inevitably think in terms of ever larger federations would be injurious to all concerned and exceedingly painful to contemplate. Novertheless, the Committee cannot think in terms of compelling the people of any territorial unit to remain in an Indian Union against their declared and established will. While recognizing this principle, the Committee feel that every effort should be made to create conditions which would help the different units in developing a common and co-operative national life. Acceptance of this principle inevitably involves that no changes should be made which would result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union consistently with a strong national state.

The proposal now made on the part of the British War Cabinet encourages and will lead to attempts at separation at the very inception of the Union and thus create great friction just when the utmost

co-operation and goodwill are most needed. This proposal has been presumably made to meet the communal demand, but it will have other consequences also and lead politically reactionary and obscurantist groups among the different communities to create trouble and divert public attention from the vital issues before the country.

Any proposal concerning the future of India must demand attention and scrutiny, but in today's grave crisis it is the present that counts and even the proposals for the future are important in so far as they affect the present. The Committee necessarily attach the greatest importance to this aspect of the question and on this ultimately depends what advice they should give to those who look to them for guidance. For this the present British War Cabinet's proposals are vague and altogether incomplete, and there would appear to be no vital changes in the present structure contemplated. It has been made clear that the defence of India will in any event remain under British control. At any time Defence is a vital subject ; during war-time it is all important and covers almost every sphere of life and administration. To take away Defence from the sphere of responsibility at this stage is to reduce that responsibility to a farce and nullity, and to make it perfectly clear that India is not going to be free in any way and her Government is not going to function as a free and independent Government during the pendency of the war.

The Committee would repeat that the essential fundamental prerequisite for the assumption of responsibility by the Indian people in the present is their realization as a fact that they are free and are in charge of maintaining and defending their freedom. What is most wanted is the enthusiastic response of the people, which cannot be evoked without the fullest trust in them and the devolution of responsibility on them in tho matter of Defence. It is only thus that even in this grave eleventh hour it may be possible to galvanize the people of India to rise to the height of the occasion. It is manifest that the present Government of India, as well as its Provincial agencies, are lacking in competence and are incapable of shouldering the burden of India's defence. It is only the people of India, through their popular representatives, who may shoulder this burden worthily. But that can only be done by present freedom and full responsibility being cast upon them. The committee are, therefore, unable to accept the proposals put forward on behalf of the British War Cabinet.

Resolution of the Working Committee of the All-India Muslim League, 2 April 1942

The Working Committee of the All-India Muslim League have given their most earnest and careful consideration to the announce-

ment made by Mr. Churchill, the British Prime Minister, in the House of Commons on 11th March, 1942 and the Draft Declaration of the War Cabinet of His Majesty's Government regarding the future of India and also the interim proposals, during the critical period which now faces India, for the immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country.

The Committee appreciate that the British Prime Minister in his pronouncement made it clear that the Draft Declaration embodied only the proposals of His Majesty's Government and not their decision, and that they are subject to agreement between the main elements in India, thus maintaining the validity of the Declaration of August 8th, 1940, which had promised to the Moslems that neither the machinery for the framing of the Constitution should be set up, nor the Constitution itself should be enforced, without the approval and consent of Moslem India.

The Committee, while expressing their gratification that the possibility of Pakistan is recognized by implication by providing for the establishment of two or more independent Unions in India, regret that the proposals of His Majesty's Government embodying the fundamentals are not open to any modification and therefore no alternative proposals are invited. In view of the rigidity of the attitude of His Majesty's Government with regard to the fundamentals not being open to any modification, the Committee have no alternative but to say that the proposals in their present form are unacceptable to them for the following reasons :

(1) The Mussulmans, after 25 years of genuine efforts for the reconciliation of the two major communities and the bitter experience of the failure of such efforts, are convinced that it is neither just nor possible, in the interests of peace and happiness of the two peoples, to compel them to constitute one Indian Union composed of the two principal nations—Hindus and Moslems : but this appears to be the main object of His Majesty's Government as adumbrated in the preamble of the Draft Declaration, the creation of more than one Union being relegated only to the realm of remote possibility, and is purely illusory.

(2) In the Draft Declaration a constitution-making body has been proposed with the primary object of creating one Indian Union. So far as the Muslim League is concerned, it has finally decided that the only solution of India's constitutional problem is the partition of India into independent zones : and it will therefore be unfair to the Moslems to compel them to enter such a constitution-making body whose main object is the creation of a new Indian Union. With con-

ditions as they are it will be not only futile but on the contrary may exasperate bitterness and animosity amongst the various elements in the country.

The machinery which has been proposed for the creation of the constitution-making body, namely, that it will consist of members elected by the newly elected Lower Houses of the eleven Provinces upon the cessation of hostilities, as a single electoral college by the system of proportional representation, is a fundamental departure from the right of the Mussulmans hitherto enjoyed by them, to elect their representatives, by means of separate electorates, which is the only sure way in which true representatives of the Mussulmans can be chosen.

The constitution-making body will take decisions by a bare majority on all questions of most vital and paramount character involved in the framing of the Constitution, which is a departure from the fundamental principles of justice and contrary to constitutional practice so far followed in the various countries and Dominions ; and the Mussulmans by agreeing to this will, instead of exercising their right and judgement as a constituent factar, be at the entire mercy of the constitution-making body in which they will be a minority of about 25 per cent.

(3) The right of non-accession to the Union as contemplated in the Draft Declaration has been conceded presumably in response to the insistent demands by the Mussulmans for the partition of India : but the method and procedure laid down are such as to negative the professed object ; for in the draft proposals the right of non-accession has been given to the existing Provinces which have been formed from time to time for administrative convenience and on no logical basis.

The Mussulmans cannot be satisfied by such a Declaration on a vital question affecting their future destiny, and demand a clear and precise pronouncement on the subject. Any attempt to solve the future problem of India by the process of evading the real issue is to court disaster.

In the draft proposals no procedure has been laid down as to how the verdict of the Province is to be obtained in favour of or against accession to the one Union, but in the letter dated April 2nd from the Secretary of Sir Stafford Cripps addressed to the President of the All-India Muslim League it is stated that 'a Province should reach the decision whether or not to stand out of the Union by a vote in the Legislative Assembly on a resolution to stand in.'

If the majority for accession to the Union is less than 60 per cent, the minority will have the right to demand a plebiscite of the

adult male population. In this connexion it must be emphasized that in the Provinces where the Mussulmans are in a majority, as in the case of the major Provinces of Bengal and the Punjab, they are in a minority in the Legislative Assemblies, and in the Assemblies of Sind and the North-West Frontier Province the total number (namely 60 and 50 respectively) is so small and the weightage given to the non-Moslems so heavy that it can be easily manipulated, and a decision under such conditions cannot be the true criterion of ascertaining the real opinion of the Mussulmans of those Provinces.

As regards the suggested plebiscite in the provinces in which the Mussulmans are in a minority, in the event of the requisite majority not being available in the Legislative Assemblies, the procedure laid down is that reference shall be made to the whole adult populatfon of the Provinces and not the Mussulmans alone, which is to deny them the inherent right to self-determination.

(4) With regard to the Indian States, it is the considered opinion of the Committee that it is a matter for them to decide whether to join or not to join or form a Union.

(5) With regard to the treaties to be negotiated between the Crown and the Indian Union or Unions, the proposals do not indicate as to what would happen in case of disagreement in the terms between the contracting parties ; nor is there any provision made as to what would be the procedure when there is a difference of opinion in negotiating a revision of treaty arrangements with the Indian States in the new situation.

(6) With regard to the interim arrangement there is no definite proposal except the bare statement that His Majesty's Government desire and invite the effective and immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth, and of the United Nations. The committee are, therefore, unable to express their opinion until a complete picture is available. An other reason why the Committee are unable to express their opinion on the interim arrangements for participation in the counsels of the country is that Sir Stafford Cripps has made it clear that the scheme goes through as a whole or is rejected as a whole, and that it would not be possible to retain only the part relating to the immediate arrangements at the Centre and discard the rest of the draft scheme ; and as the Committee has come to the conclusion that the proposals for the future are unacceptable, it will serve no useful purpose to deal further with the question of the immediate arrangements.

In conclusion the Committee wish to point out that the position of the Muslim League has been and is that unless the principle of Pakistan scheme, as embodied in the Lahore Resolution dated March, 1950, which is now the creed of the All-India Muslim League.....is unequivocally accepted and the right of the Mussalmans to self-determination is conceded by means of a machinery which will reflect the true verdict of Muslim India, it is not possible for the Muslim League to accept any proposal or scheme regarding the future.

First formula on Defence put forward by Sir Stafford Cripps in his letter to Maulana Abul Kalam Azad, 7 April 1942

In accordance with the principle laid down in clause (*e*) of the Draft Declaration I have explained to you the technical difficulties with regard to the position of the Commander-in-Chief and will not here reiterate them. I have also pointed out that all those main aspects of the defence of India which at present fall under the care of other members of the Executive (*e.g.* Civil Defence, Supply, Home Affairs, Communications, etc., etc.) will, if the scheme is accepted, be administered by representative members in the new National Government. His Majesty's Government are, however, anxious to do their utmost to meet the wishes of the Indian people and to demonstrate their complete trust in the co-operative effort of two peoples, British and Indian, which they hope may reinforce the defence of India. They also appreciate the force of the arguments that have been put forward as to the necessities of an effective appeal to the Indian peoples for their own defence.

I am therefore authorized to propose to you as a way out of the present difficulties that (*a*) the Commander-in-Chief should retain a seat on the Viceroy's Executive Council as War Member and should retain his full control over all the war activities of the armed forces in India subject to the control of His Majesty's Government and the War Cabinet, upon which body a representative Indian should sit with equal powers in all matters relating to the defence of India. Membership of the Pacific Council would likewise be offered to a representative Indian. (*b*) An Indian representative member would be added to the Vicerey's Executive who would take over those sections of the Department of Defence which can organizationally be separated immediately from the Commander-in-Chief's War Department and which are specified under head I of the annexure. In addition this member would take over the Defence Co-ordination Department which is at present directly under the Viceroy and certain other important functions of the Government of India which are directly related to defence and which do not fall under any of the other existing departments, and which are specified under head II of the annexure.

His Majesty's Government very much hope, as I personally hope, that this arrangement will enable the Congress to come into the scheme, so that if other important bodies of Indian opinion are also willing it will be possible for His Excellency the Viceroy to embark forthwith upon the task of forming the new National Government in consultation with the leaders of Indian opinion.

ANNEXURE I

Matters now dealt with in the Defence Department which would be transferred to a Defence Co-ordination Department :

(*a*) Public relations.

(*b*) Demobilization and post-war reconstruction.

(*c*) Petroleum officer whose functions are to calculate the requirements of and make provision for all petroleum products required for the Army, Navy and Air Force, and for the Civil Departments, including storage and distribution.

(*d*) Indian representatiom on the Eastern Group Supply Council.

(*e*) Amenities for the welfare of troops and their dependants, including Indian soldiers' boards.

(*f*) All canteen organizations.

(*g*) Certain non-technical educational institutions, *e.g.* Lawrence schools, K.G.R.I.M schools, and the Prince of Wales's Royal Indian Military College.

(*h*) Stationery, printing, and forms for the Army.

(*i*) Reception, accommodation, and social arrangements for all foreign missions, representatives, and offices.

ANNEXURE II

In addition the Defence Co-ordination Department would take over many major questions bearing directly on defence but difficult to locate in any particular existing departments ; examples are denial policy, evacuation from threatened areas, signals co-ordination, economic warfare.

Final formula for Defence put forward by Sir Stafford Cripps

(*a*) The Defence Department shall be placed in the charge of a representative Indian Member, but certain functions relating to the conduct of the war will be exercised by the Commander-in-Chief, who will control the armed forces in India, and who will be a Member of the Executive Council in charge of the War Department.

(*b*) This Department will take over such functions as are to be exercised by the Commander-in-Chief as War Member. A list of such functions has been prepared and is attached.

(*c*) The Defence Member shall be in charge of all other matters relating to Defence in the Defence Department and those now dealt

with by the Defence Co-ordination Department, in addition to other important matters closely related to Defence.

(*d*) In the event of any new functions falling to be discharged in relation to Defence or any dispute arising as to the allocation of any old functions it shall be decided by His Majesty's Government.

ANNEXURE (Item *b*)

The War Department will be responsible for the governmental relations of General Headquarters, Naval Headquarters and Air Headquarters, which include :

(1) examining and sanctioning all proposals emanating from General Headquarters, Naval Headquarters and Air Headquarters ;

(2) representing the policy of Government on all questions connected with the war which originate in or concern General Headquarters, Naval Headquarters, or Air Headquarters ;

(3) acting as the channel of communication between the Government of India and His Majesty's Government on all such questions ;

(4) acting as liaison between these Headquarters and other Departments of the Government, and Provincial Governments.

PANDIT JAWAHARLAL NEHRU ON THE CRIPPS PROPOSALS

*Statement at Press Conference, New Delhi, April 12, 1942**

Who is responsible for the failure of the Cripps negotiations ? In answer to this question, Pandit Nehru explained in detail the various stages of the negotiations. If he had been asked just before his last interview with Sir Stafford Cripps, he would have said that the chances of coming to an agreement were about 75 per cent. At that interview, however, that full picture which Sir Stafford, suddenly and for the first time, put before them of the proposals was such that he could not agree to it. "A big change had occurred somewhere in the middle", said Pandit Nehru. It was obvious, he added, that there was some trouble between Sir Stafford and others.

Pandit Nehru went on to say : "While it was my extreme desire to find a way out and make India function effectively for defence and make the war a popular effort—so great was my desire that some things I have stood for during the last quarter of a century, things which I could never have imagined for a moment I would give up, I now agreed to give up—I am convinced personally that it is impossible for us to agree to the proposals as they eventually emerged from the British Government's mind. I am in complete and wholehearted agreement with the Congress resolution and the letters of the Congress President."

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*Banerjee, A.C. *The Making of the Indian Constitution*, 1939-1947, Vol. I, pp. 60-71.

The change in the attitude of Sir Stafford Cripps which led to the sudden breakdown of the negotiations was then described by Pandit Nehru. From the first, the impression which Sir Stafford had given was that the new Government would be a National Government. Sir Stafford had himself often used the words, "National Cabinet." He had also said that the position of the Viceroy would be analogous to that of the King, in other words, a constitutional head. The language used by Sir Stafford had led them to assume that everything was being transferred except Defence and also that the Viceroy would not interfere with the decision of the Cabinet though he might have special powers such as in connection with the States or some major issue. So the question of the new Government's powers etc., was not even discussed. At the last interview on Thursday night, however, the picture which Sir Stafford gave showed that the premises and assumptions on which they had been arguing had no real foundation. Sir Stafford began to talk of the Viceroy's "Executive Council" and not a "National Government." Names did make a difference. "If we go to the country, talking about the Viceroy's Executive Council, what would the people think ?" asked Pandit Nehru amidst laughter. They agreed to the legal phraseology but contrary to their old assumptions, Sir Stafford suddenly made it perfectly clear that there would be no essential change between the position of the Viceroy's Council and that of the new Government which they were asked to join. "I was amazed," declared Pandit Nehru. It might be that Sir Stafford had been pulled up by his senior partner in England or someone here. "We cannot change laws," said Sir Stafford, but when he was asked : "Tell us at least what conventions you propose. Will they function as a Cabinet ? Will the Viceroy work as a constitutional head ?" Sir Stafford replied : "I am totally unable to say anything on the subject, because it is completely within the discretion of the Viceroy. Go to him later on and discuss the matter with him. I cannot interfere or indicate what should be done." So it amounted to the old August offer again—with a few minor changes. They were merely asked to agree to join the Viceroy's Council practically unconditionally—with the vague background provided by the Cabinet's declaration.

Dealing with the Defence question, Pandit Nehru said that at no time had it been suggested by the Congress that the normal powers of the Commander-in-Chief for carrying on the war in an effective way should be interfered with. But in addition to his powers as Commander-in-Chief, he was now having other powers which were really those of a Defence Minister. Pandit Nehru said that the removal of Defence from their responsibilities made the position of

the Defence Minister absurd and ridiculous. Their conception of defence was different from that of the Government. It was not keeping a regiment here and there, but they wanted to mobilize hundreds of millions of Indians. They wanted to make every man and woman do something for the war—make it a popular war. The military conception was to fight with their armies and, if the latter failed, to surrender, but their conception was different. They would not surrender whatever happened—whatever happened to military forces, popular resistance should continue to the end in China and Russia. Could they discharge their duty in this spirit ? Could they make India hum as an organized unit of resistance ? Could they make India feel that she was fighting her own war for her freedom ? That was their idea in asking for a popular conception of Defence, but the Government's attitude as put to them was of singularly complacent attitude—a conception of India from a standpoint which was peculiar only to England. "We are in the right. All those who are against us, are not only in the wrong, but damnably in the wrong."

Referring to the Defence question during the Cripps negotiations Pandit Jawaharlal Nehru said that at first a certain formula was given by Sir Stafford according to which the Commander-in-Chief was to be War Minister and the Defence Minister was to have certain functions entrusted to him. Attached to it was a list--practically exhaustive—of the functions entrusted to the Defence Minister. They were propaganda, canteens, petroleum, amenities, stationery and subjects of that kind. The subjects proposed to be allotted were such that "they would have made the Defence Minister's position ridiculous in the eyes of the public," said Pandit Nehru. It was not acceptable to the Congress Working Committee. Then came a new formula—at the instance of a third party but presumably with Sir Stafford's approval—with no list of subjects attached.

In the Working Committee's opinion, this afforded a basis for arriving at an agreed formula for Defence, but the really important point was—what would be the subjects transferred to the Defence Minister ? Sir Stafford did not reply to a letter asking for a list of these subjects : "At no stage did we receive them", said Pandit Nehru. When they asked him personally, Sir Stafford referred them to the Army Manual. Later, Sir Stafford entered into a long disquisition on the Indian Army—that it was really an offshoot of the British Army controlled by the British Government, through their representative, the Commander-in-Chief. It was explained to Sir Stafford on behalf of the Congress that it was not their intention to do anything to upset present arrangements, but what they wanted was, firstly to make the Indian people feel that the Army was theirs.

They wanted to give the national background, the psychological appeal, necessary for a popular war. Sir Stafford's attitude was, however, rigid. In the end, he said that the list of subjects were those already given in his original formula.

Sir Stafford refused to follow the Australian model saying that Mr. Curtin in Australia had even greater powers than Mr. Churchill had in England. As regards the citizen army, Sir Stafford said that the matter would lie within the discretion of the Commander-in Chief but he added that the Commander-in-Chief would probably agree. If he did not agree, it was open to the Ministers to resign.

Commenting on this attitude of the Government, Pandit Nehru said : "That is not the way to bring about a settlement." He went on to say : "That is not the way to fight a war—not the lackadaisical way of the Viceroy's House and the Government of India. If there is a National Government, everybody will have to work or get out. It is not an evening dress war. It is work, work, work. Those who sit to dinner in evening dress at 8-15 are not going to win this war." In reply to those who talked of the want of equipment as a reason against a citizen army, he cited the example of China and Spain. The former was now self-sufficient so far as small arms were concerned. In India, with a National Government, they could double or treble the production of our factories. They could do without luxuries and turn those factories producing non-essential goods into factories for small arms. The whole conception of the citizen army was, he said, a practical conception, a psychological conception, an essential conception.

Pandit Nehru went on to narrate how a person who had become a German prisoner and had managed to escape told him and others what the Germans thought of the Indian troops, how much they had been struck by their courage and efficiency in action. "It is a magnificent army. What would we not do, if we had such people to draw upon ?" said the Germans. "If they fight like this in a mercenary way, how much better would they fight if they thought they were fighting for their own freedom ?" It was really a question of psychological approach, declared Pandit Nehru. Explaining further he said :

"The whole approach was one of lighting a spark in hundreds of millions of minds in India. It was not an easy responsibility for anyone to undertake. Nevertheless, we felt that circumstances demanded it and whatever our grievances with the British Government, whatever the past history of our relations, we could not allow that to come in the way of what we considered our duty to our country at present."

Referring to the future, Pandit Nehru said : "India and Russia are the two important theatres of war. Little else counts for the present. Much will, of course, depend on the next two or three months in the Russo-German War. A great deal will depend on India or what happens as between Germany and Russia : but apart from that India is going to be for the next three or four months the crux of the war. It will make a difference to the length of the war and the intensity of the war. Every country in the world realizes this, except, of course, the big people in New Dehli and Whitehall—they are slow of understanding and comprehension—and therefore, you have these frantic radio appeals from Germany and Japan.

"If to-day a National Government of India said, 'We are going to arm the Indian people. We may not have the best of modern arms, aeroplanes, tanks; but we are going to arm them with such guns as we can make,' think how the world situation will change ; what reaction it will have on Germany and Japan and also in the Allied countries."

In answer to a question, Pandit Nehru said :—

"So far as I know India, and I know it tolerably well, the major sentiment in India, naturally is one of hostility to the British in India. You cannot root out 150 years of past history and all that has happened in those years. It has sunk down into the Indian soul. Suppose we had come to an agreement and had to convert, to change that sentiment suddenly, we could have done it if we could have given a sensation of freedom to the people of India. The fundamental factor to-day is distrust or dislike of the British Government. It is not pro-Japanese sentiment. It is anti-British sentiment. That may occasionally lead individuals to pro-Japanese expression of views. This is short-sighted. It is a slave's sentiment, a slave's way of thinking, to imagine that to get rid of one person who is dominating us we can expect another person to help us and not dominate us later. Free men ought not to think that way. It distresses me that any Indian should talk of the Japanese liberating India. The whole past history of Japan has been one of dominating others. Japan comes here either for Imperialist reasons straight out or to fight with the British Government. Anyhow, whatever the reason, if it comes here, it does not come here to liberate."

In the course of his talk, Pandit Nehru removed two or three misconceptions. In reply to Sir Stafford's charge that the Congress had, for the first time, in its letter of April 10 asked for big changes immediately in the constitution, Jawaharlalji explained that the reference in the letter was only intended to remove a misunedrstanding. In one of his letters Sir Stafford had said that the Congress had agreed

that there should be no constitutional changes in the interim period. As this was not correct, the President explained the position. The Congress had merely said that it did not want to enter into an argument now on these constitutional questions, but they had made no commitment of the kind that they agreed not to ask for any immediate constitutional changes. Their position was this : "While we are not agreeing, we are not pressing this. It is not an issue." Sir Stafford was not, therefore, correct in saying that a major issue had been raised.

Pandit Nehru referred to the offer made by Mr. Churchill, at a critical time in the war, to France for a union with England. The suggestion made by Pandit Nehru was that Parliament should pass a small Bill of six sections giving independent status to India and agreeing to the principle of self-determination. Other details, communal and other, could be left over for settlement later, but if this had been done, the whole approach to the question would have become different—as between England and India and also between the communities. The Congress point of view was this—they were prepared to have a National Government for war purposes, but as regards the future Government, they were prepared to leave over for future consideration the question of detailed and precise proposals for the future Government. Pandit Nehru said, however, that the present proposals would have also to be considered with the viewpoint of the future. If the independence of India was now accepted in principle, it would have a great psychological effect on the people.

Asked about Sir Stafford's reference to the "tyrannical rule of a majority" in his farewell statement Pandit Nehru said :

"I want to make it perfectly clear that throughout our talks and correspondence, except for the last two letters, there was no reference at all at any stage in the slightest degree to the question of majority rule, because much as we disliked it we accepted the idea of a composite Cabinet formed from different groups representing different ideologies in the country, some coming among others from the Muslim League and from the Hindu Mahasabha and the Sikhs. We accepted that, although it was a thing which would have made the functioning of the National Government very difficult. At no stage, did we discuss the number of any groups in the Council. It was important, but we did not discuss it because we, speaking on behalf of the Congress, never laid stress on the Congress having this or that. We wanted no power for the Congress. We always talked in terms of what the National Government would have, whoever may be there and whatever numbers it may consist of. We talked of it as a group and of what power that group should have.

The communal issue in any form was never discussed except that Sir Stafford Cripps often repeated one formula, that he was only concerned with agreement between three groups in India, the British Government, the Congress and the Muslim League. He did not care whether others agreed or not, but if any of these three did not agree the scheme fell through.

"For the first time," he went on, "this question was definitely emphasised by Sir Stafford Cripps in his letter dated April 10 in which he used the phrase 'tyrannical rule of the majority.' Now, for an eminent lawyer and constitutionalist like Sir Stafford to use these phrases in this manner is extraordinary. We were thinking in terms really not even of a legislature but of a Cabinet consisting of 15 persons. What the proportions in that Cabinet may be we never discussed. Suppose there was the so-called Congress majority in it, though the Congress was not thinking on those lines. But Sir Stafford's mind was continually functioning, balancing the different communal factors. Suppose, then in a Cabinet of 15 there was a Congress majority of eight or nine. Now Cabinets, if they are to function at all, cannot function and do not function, especially in war-time, by majority. You must have a certain homogeneity or common outlook ; otherwise the Cabinet may break up. Sir Stafford has been continuouly reminding us of the ultimate sanction of resignation. If we had that ultimate sanction, so also every group in that Cabinet had that ultimate sanction. So the talk of the tyranny of the majority is amazing and fantastic nonsense."

Pandit Nehru referred to the mention of the "Hindu Press" in one of Sir Stafford's letters. When further questioned, he said he meant the *Hindustan Times*. That in itself showed how he was continually thinking in regard to every matter in terms of Hindu and Muslim.

Pandit Nehru observed he could not conceive of Mr. Jinnah or Mr. Savarkar really disagreeing with anything that the Congress had put to Sir Stafford in regard to the proposals for the immediate psesent.

Earlier at the conference, Pandit Nehru declared : "To-day the dominant factor is the imminent peril to India, and I want you to appreciate what I say. We agreed to things which in the last 22 years we would never have dreamt of agreeing to or coming near. In these 22 years we have stood for something. Not only the Congress but vast numbers of people outside the formal fold of the Congress, even communal organizations have demanded independence. For the first time in these 22 years, I swallowed many a bitter pill, when I said I was prepared to agree to many things so as somehow to

come to an agreement. I did want to throw all my sympathy and all the energy I possess in the organization of the defence of India."

*Observations in the "The Discovery of India"**

And then, just when I was most hopeful, all manner of odd things began to happen. Lord Halifax** speaking somewhere in the U. S. A., made a violent attack on the National Congress. Why he should do so just then in far America was not obvious, but he could hardly speak in that manner, when negotiations were actually going on with the Congress, unless he represented the views and policy of the British Government. In Delhi it was well-known that the Viceroy Lord Linlithgow, and the high officials of the Civil Service were strongly opposed to a settlement and to a lessening of their powers. Much happened, which was only vaguely known.

When we met Sir Stafford Cripps again to discuss the latest formula about the functions of the Defence Minister, it transpired that all our previous talk was entirely beside the point, as there was going to be no ministers with any power. The existing Viceroy's Executive Council was to continue and all that was contemplated was to appoint additional Indians, representing political parties, to this Council.....

So it all came to this that the existing structure of Government would continue exactly as before, the autocratic powers of the Viceroy would remain, and a few of us could become his liveried camp-followers and look after canteens and the like.....

.....it was inconceivable and impossible for us to accept this position at any time and more specially at that time. If we had ventured to do so we would have been disowned and rejected by our own people.....

In the whole course of our talks with Sir Stafford Cripps the so-called minority or communal issue was at no time raised or considered. Indeed it did not rise at that stage. It was an important issue in considering future constitutional changes, but these had been deliberately put aside after our initial reaction to the British proposals. If the principle of an effective transfer of power to a National Government had been agreed to, then the question would no doubt have arisen as to the relative strengths of the various groups represented in it. But as we never reached the stage of agreement on that principle, the other question did not arrive and was not considered at all. So far as we were concerned, we were

*Nehru, Jawaharlal: '*The Discovery of India*', pp. 548-562.

**British Ambassador in the U. S. A. he was formerly Viceroy and Governor-General of India (1926-1931) and known as Lord Irwin.

so anxious to have an effective National Government having the confidence of the principal parties that we felt that the question of proportions would not give much trouble.....

In a subsequent and final letter of the Congress President it was stated : "We are not interested in the Congress as such gaining power, but we are interested in the Indian people as a whole having freedom and power.....We are convinced that if the British Government did not pursue a policy of encouraging disruption, all of us, to whatever party or group we belonged, would be able to come together and find a common line of action. But unhappily, even in this grave hour of peril, the British Government is unable to give up its wrecking policy. We are driven to the conclusion that it attaches more importance to holding on to its rule in India as long as it can, and promoting discord and disruption here with that end in view, than to an effective defence of India against the aggression and invasion that overhang us" .....

Almost immediately after this last letter of the Congress President, Sir Stafford Cripps returned to England by air. But before he did so and on his return, he made certain statements to the public which were contrary to the facts and which were bitterly resented in India. In spite of contradictions by responsible persons in India, those statements were repeated by Sir Stafford Cripps and others.

The British proposals had been rejected not by the Congress only but by every single party or group in India. Even the most moderate of our politicians had expressed their disapproval of them. Apart from the Moslem League, the reasons for disapproval were more or less the same. The Moslem League, as has been its custom, waited for others to express their opinions and then, for its own reasons, rejected the proposals.

It was stated in the British Parliament and elsewhere that the rejection by the Congress was due to the uncompromising attitude of Gandhiji. This is wholly untrue. Gandhiji had strongly disapproved, in common with most others, of the indefinite and innumerable partitions that the proposals involved and of the way in which the ninety millions people of the Indian States had been allowed no say in their future. All the subsequent negotiations, which dealt with changes in the present and not with the future, took place in his absence, as he had to leave because of his wife's illness, and he had nothing whatever to do with them. The Working Committee had, on several previous occasions, disagreed with him on the question of non-violence, and was anxious to have a National Government to co-operate in the war and especially the defence of India.

RESOLUTION OF THE ALL-INDIA CONGRESS COMMITTEE, BOMBAY, AUGUST 8, 1942.

The All-India Congress Committee has given the most careful consideration to the reference made to it by the Working Committee in their resolution dated July 14, 1942, and to subsequent events including the development of the war situation, the utterances of responsible spokesmen of the British Government, and the comments and criticisms made in India and abroad. The Committee approves of and endorses that resolution and is of opinion that events subsequent to it have given it further justification and have made it clear that immediate ending of British rule in India is an urgent necessity both for the sake of India and for the success of the cause of the United Nations. The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of world freedom.

The Committee has viewed with dismay the deterioration of the situation of the Russian and Chinese people and records its high appreciation of their heroism in defence of their freedom. This increasing peril makes it incumbent on all those who sympathise with the victims of aggression, to examine the foundations of the policy so far pursued by the Allied Nations, which have led to repeated and disastrous failure. It is not by adhering to such aims and policies and methods that failure can be converted into success, for past experience has shown that failure is inherent in them.

These policies have been based not on freedom so much as on the domination of subject and Colonial countries and the continuation of the Imperialist tradition and method. The possession of Empire, instead of adding to the strength of ruling power, has become a burden and a curse. India, the classic land of modern Imperialism, has become the crux of the question, for by the freedom of India will Britain and the United Nations be judged and the peoples of Asia and Africa be filled with hope and enthusiasm.

The ending of the British rule in this country is thus a vital and immediate issue on which depend the future of the war and the success of freedom and democracy. A free India will assure this success by throwing all her great resources in the struggle for freedom and against the aggression of Nazism, Fascism and Imperialism. This will not only affect materially the fortunes of the war, but will bring all subject and oppressed humanity on the side of the United Nations and give these nations, whose ally India would be, the moral and spiritual leadership of the world. India in bondage will continue to be the symbol of British Imperialism and the taint of that Imperialism will affect the United Nations.

The peril of to-day, therefore, necessitates the independence of India and the ending of British domination. No future promises or guarantees can affect the present situation or meet that peril. They cannot produce the needed psychological effect on the mind of the masses. Only the glow of freedom now can release that energy and enthusiasm of millions of people which will immediately transform the nature of the war.

The A.I.C.C., therefore, repeats with all emphasis the demand for the withdrawal of the British power from India. On the declaration of India's independnce, a Provisional Government will be formed and free India will become an ally of the United Nations, sharing with them in the trials and tribulations of the joint enterprise of the struggle for freedom. The Provisional Government can only be formed by the co-operation of the principal parties and groups in the country. It will thus be a composite Government representative of all important sections of the people of India. Its primary functions must be to defend India and resist aggression with all the armed as well as the non-violent forces at its command, together with its Allied Powers, and to produce the well-being and progress of the workers in the fields and factories and elsewhere, to whom essentially all power and authority must belong. The Provisional Government will evolve a scheme for a Constituent Assembly which will prepare a constitution for the Government of India acceptable to all sections of the people. This constitution, according to the Congress view, should be a federal one, with the largest measure of autonomy for the federating Units and with residuary powers vesting in these Units.....Freedom will enable India to resist aggression effectively with the people's united will and strength behind it.

The freedom of India must be the symbol of and prelude to the freedom of all other Asiatic nations under foreign domination. Burma, Malaya, Indo-China, the Dutch Indies, Iran and Iraq must also attain their complete freedom. It must be clearly understood that such of these countries as are under Japanese control now must not subsequently be placed under the rule or control of any other colonial power.

While the A.I.C.C. must primarily be concerned with the independence and defence of India in this hour of danger, the Committee is of opinion that the future peace, security and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved. Such a world federation would ensure the freedom of its constituents, the prevention of aggression and exploitation by one nation over another,

the protection of national minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources for the common good of all. On the establishment of such a world federation, disarmament would be practicable in all countries; national armies, navies and air forces would no longer be necessary and a world federation defence force would keep the world peace and prevent aggression.

An independent India would gladly join such a world federation and co-operate on equal basis with other countries in the solution of international problems.

Such a federation would be open to all nations who agree with its fundamental principles. In view of the war, however, the federation must inevitably, to begin with, be confined to the United Nations. Such a step taken now will have a most powerful effect on the war, on the peoples of the Axis countries, and on the peace to come.

The Committee regretfully realizes, however, that despite the tragic and over-whelming lessons of the war and the perils that overhang the world, the Governments of few countries are yet prepared to take this inevitable step towards world federation. The reactions of the British Government and the misguided criticism of the foreign press also make it clear that even the obvious demand for India's independence is resisted, though this has been made essentially to meet them in their hour of need. The Committee is anxious nor to embarrass in any way the defence of China or Russia, whose freedom is precious, and must be preserved, or to jeopardise the defence capacity of the United Nations. But the peril grows both to India and these nations and submission to a foreign administration at this stage is not only degrading India and reducing her capacity to defend herself and resist aggression but is no answer to that growing peril and is no service to the peoples of the United Nations. The earnest appeal of the Working Committee to Great Britain and the United Nations has so far met with no response and the criticisms made in many foreign quarters have shown an ignorance of India's and the world's need and sometimes even hostility to India's freedom which is significant of a mentality of domination and racial superiority which cannot be tolerated by a proud people conscious of their strength and of the justice of their cause.

The A.-I.C.C. would yet again, at this last moment, in the interest of world freedom renew this appeal to Britain and the United Nations. But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against an imperialist and authoritarian Government which dominates over

it and prevents it from functioning in its own interest and in the interest of humanity. The Committee resolves, therefore, to sanction, for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on non-violent lines, on the widest possible scale, so that the country might utilise all the non-violent strength it has gathered during the last 22 years of peaceful struggle. Such a struggle must inevitably be under the leadership of Gandhiji and the Committee requests him to take the lead and guide the nation in the steps to be taken.

The Committee appeals to people of India to face the dangers and hardships that will fall to their lot with courage and endurance, and to hold together under the leadership of Gandhiji and carry out his instructions as disciplined soldiers of Indian freedom. They must remember that non-violence is the basis of the movement. A time may come when it may not be possible to issue instructions or for instructions to reach our people, and when no Congress Committees can function. When this happens every man and woman who is participating in this movement must function for himself or herself within the four corners of the general instructions issued. Every Indian who desires freedom and strives for it must be his own guide urging him along the hard road where there is no resting place and which leads ultimately to the independence and deliverance of India.

Lastly, while the A.-I.C.C. has stated its own view of the future governance under free India, the A.-I.C.C. wishes to make it quite clear to all concerned that by embarking on a mass struggle it has no intention of gaining power for the Congress. The power, when it comes, will belong to the whole people of India.

Broadcast of Lord Wavell, Delhi, June 14, 1945

I have been authorised by His Majesty's Government to place before Indian political leaders proposals designed to ease the present political situation and to advance India towards her goal of full self-government. These proposals are at the present moment being explained to Parliament by the Secretary of State for India. My intention in this broadcast is to explain to you the proposals, the ideas underlying them, and the method by which I hope to put them into effect.

This is not an attempt to obtain or impose a constitutional settlement. His Majesty's Government had hoped that the leaders of the Indian parties would agree amongst themselves on a settlement of the communal issue, which is the main stumbling block, but this hope has not been fulfilled.

In the meantime, India has great opportunities to be taken and great problems to be solved, which require a common effort by the leading men of all parties. I, therefore, propose, with the full support of His Majesty's Government, to invite Indian leaders both of Central and Provincial politics to take counsel with me with a view to the formation of a new Executive Council more representative of organised political opinion. The proposed new Council would represent the main commmunities and would include equal proportions of Caste Hindus and Moslems. It would work, if formed, under the existing constitution. But it would be an entirely Indian Council, except for the Viceroy and the Commander-in-Chief, who would retain his position as War Member.

It is also proposed that the portfolio of External Affairs, which has hitherto been held by the Viceroy, should be placed in charge of an Indian Member of Council, so far as the interests of British India are concerned.

A further step proposed by His Majesty's Government is the appointment of a British High Commissioner in India, as in the Dominions, to represent Great Britain's commercial and other such interests in India.

Such a new Executive Council will, you realise, represent a definite advance on the road the self-government. It will be almost entirely Indian, and the Finance and Home Members will for the first time be Indians, while an Indian will also be charged with the management of Indian foreign affairs. Moreover, Members will now be selected by the Governor-General after consultation with political leaders, though their appointment will, of course, be subject to the approval of His Majesty the King-Emperor.

The Council will work within the frame-work of the present Constitution and there can be no question of the Governor-General agreeing not to exercise his constitutional power of control ; but it will of course not be exercised unreasonably.

I should make it clear that the formation of the Interim Government will in no way prejudice the final constitutional settlement.

The main tasks for this new Executive Council would be :—

First, to prosecute the war against Japan with the utmost energy till Japan is utterly defeated.

Secondly, to carry on the government of British India, with all the manifold tasks of post-war development in front of it, until a new permanent constitution can be agreed upon and come into force.

Thirdly, to consider, when the Members of Government think it possible, the means by which such agreement can be achieved. The

third task is most important. I want to make it quite clear that neither I nor His Majesty's Government have lost sight of the need for a long-term solution, and that the present proposals are intended to make a long-term solution easier.

I have considered the best means of forming such a Council ; and have decided to invite the following to Viceregal Lodge to advise me :—

Those now holding office as Premier in a Provincial Government ; and for provinces now under Section 93 Government, those who last held the office of Premier.

The Leader of the Congress party and the Deputy Leader of the Muslim League in the Central Assembly ; the Leaders of the Congress Party and the Muslim League in the Council of States ; also the Leaders of the Nationalist Party and the European Group in the Assembly.

Mr. Gandhi and Mr. Jinnah as the recognised leaders of the two main political parties.

Rao Bahadur N. Shiva Raj to represent the Scheduled classes.

Master Tara Singh to represent the Sikhs.

Invitations to these gentlemen are being handed to them today and it is proposed to assemble the Conference on 25th June at Simla where we shall be cooler than at Delhi.

I trust that all those invited will attend the Conference and give me their help. On me and on them will lie a heavy responsibility in this fresh attempt to make progress towards a final settlement of India's future.

If the meeting is successful, I hope that we shall be able to agree on the formation of the new Executive Council at the Centre. I also hope that it will be possible for Ministries to reassume office and again undertake the tasks of Government in the provinces now administered under Section 93 of the Constitution Act and that these Ministries will be coalitions.

If the meeting should unfortunately fail, we must carry on as at present until the parties are ready to come together. The existing Executive Council, which has done such valuable work for India, will continue if other arrangements cannot be agreed.

But I have every hope that the meeting will succeed, if the party leaders will approach the problem with the sincere intention of working with me and with each other. I can assure them that there is behind this proposal a most genuine desire on the part of all responsible leaders in the United Kingdom and of the British people a whole to help India towards her goal. I believe that this is more

than a step towards the goal, it is a considerable stride forwards and a stride on the right path.

I should make it clear that these proposals affect British India only and do not make any alteration in the relations of the Princes with the Crown Representative.

With tha approval of His Majesty's Government, and after consultation with my Council, orders have been given for the immediate release of the members of the Working Committee of Congress who are still in detention. I propose to leave the final decision about the others still under detention as the result of the 1942 disturbances to the new Central Government, if formed, and to the Provincial Governments.

The appropriate time for fresh elections for the Central and provincial legislatures will be discussed at the conference.

THE WAVELL PLAN, 1945*

Statement of the Secretary of State, House of Commons, June 14, 1945.

1. During the recent visit of Field-Marshall Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

2. Members will be aware that since the offer by His Majesty's Governmcnt to India in March, 1942, there has been no further progress towards the solution of the Indian constitutional problem.

3. As was then stated, the working out of India's new constitutional system is a task which can only be carried through by the Indian peoples themselves.

4. While His Majesty's Government are at all times most anxious to do their utmost to assist the Indians in the working out of a new constitutional settlement, it would be a contradiction in terms to speak of the imposition by this country of self-governing institutions upon an unwilling India. Such a thing is not possible, nor could we accept the responsibility of enforcing such institutions at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.

5. The main constitutional position remains therefore as it was. The offer of March, 1942, stands in its entirety without change or qualification. His Majesty's Government still hope that the

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**Lord Wavell was Viceroy and Governor-General of India from October, 1943, to March, 1934.*

Banerjee, A.C. *The Making of the Indian Constitution,* 1939-1947, Vol. I, pp. 91-95.

political leaders in India may be able to come to an agreement as to the procedure whereby India's permanent future form of government can be determined.

6. His Majesty's Government are, however, most anxious to make any contribution that is practicable to the breaking of the political deadlock in India. While that deadlock lasts not only political but social and economic progress is being hampered.

7. The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

8. All that is so urgently required to be done for agricultural and industrial development and for the peasants and workers of India cannot be carried through unless the wholehearted co-operation of every community and section of the Indian people is forthcoming.

9. His Majesty's Government have, therefore, considered whether there is something which they could suggest in this interim period, under the existing constitution, pending the formulation by Indians of their future constitutional arrangements, which would enable the main communities and parties to co-operate more closely together and with the British to the benefit of the people of India as a whole.

10. It is not the intention of His Majesty's Government to introduce any change contrary to the wishes of the major Indian communities. But they are willing to make possible some step forward during the interim period if the leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the reconstruction in India which must follow the final victory.

11. To this end they would be prepared to see an important change in the composition of the Viceroy's Executive. This is possible without making any change in the existing statute law except for one amendment to the Ninth Schedule to the Act of 1935. That Schedule contains a provision that not less than three members of the Executive must have had at least ten years' service under the Crown in India. If the proposals I am about to lay before the House meet with acceptance in India, that clause would have to be amended to dispense with that requirement.

12. It is proposed that the Executive Council should be re-constituted and that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst leaders of Indian political life at the Centre and in the

provinces, in proportions which would give a balanced representation of the main communities, including equal proportions of Moslems and Caste Hindus.

13. In order to pursue this object, the Viceroy will call into conference a number of leading Indian politicians who are the heads of the most important parties or who have had recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority. The Viceroy intends to put before this conference the proposal that the Executive Council should be reconstituted as above stated and to invite from the members of the conference a list of names. Out of these he would hope to be able to choose the future members whom he would recommend for appointment by His Majesty to the Viceroy's Council, although the responsibility for the recommendations must, of course, continue to rest with him, and his freedom of choice, therefore, remains unrestricted.

14. The members of his Council who are chosen as a result of this arrangement would, of course, accept the position on the basis that they would whole-heartedly co-operate in supporting and carrying through the war against Japan to its victorious conclusion.

15. The members of the Executive would be Indians with the exception of the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

16. Nothing contained in any of these proposals will affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative.

17. The Viceroy has been authorised by His Majesty's Government to place this proposal before the Indian leaders. His Majesty's Government trust that the leaders of the Indian communities will respond. For the success of such a plan must depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement. In the absence of such general acceptance existing arrangements must necessarily continue.

18. If such co-operation can be achieved at the Centre it will no doubt be reflected in the provinces and so enable responsible Governments to be set up once again in those provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. It is to be hoped that in all the provinces these Governments would be based on the participation

of the main parties, thus smoothing up communal differences and allowing Ministers to concentrate upon their very heavy administrative tasks.

19. There is one further change which, if these proposals are accepted, His Majesty's Government suggest should follow.

20. That is, that External Affairs (other than those tribal and frontier matters which fall to be dealt with as part of the defence of India) should be placed in the charge of an Indian Member of the Viceroy's Executive so far as British India is concerned, and fully accredited representatives shall be appointed for the representation of India abroad.

21. By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their experience of co-operation in government will expedite agreement between them as to the method of working out the new constitutional arrangements.

22. His Majesty's Government consider, after the most careful study of the question, that the plan now suggested gives the utmost progress practicable within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the future permanent constitution or constitutions for India.

23. His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a genuine step forward in the collaboration of the British and Indian peoples towards Indian self-government and can assert the rightful position, and strengthen the influence, of India in the counsels of the nations.

THE SIMLA CONFERENCE

Summary of Proceedings of the Working Committee Meeting
Bombay, June 21 and 22, 1945

Instructions

"The Working Committee issued the following instructions for the guidance of congressmen attending the Simla Conference.

1. It must be clearly understood that the suggested arrangements are being considered on an interim and temporary basis only, especially in regard to communal parity. The principle of such parity not acceptable. Also no such communal parity is applicable in the provinces and present suggested arrangements relate to the Centre only.

2. While communal parity, in the limited and temporary sense as indicated above, is being agreed to, it must be clearly understood that this does not mean that all the Muslim members of the National Government will be nominated by the Muslim League. The Congress, therefore, is of opinion that names may be proposed for Hindus, Muslims, Scheduled Classes, etc. by all groups in the Conference and to be adopted by the Conference as a whole.

3. While the Working Committee is anxious to help in finding a way out of the present deadlock which leads to Indian Freedom, and will work to that end, it must be remembered that any decision taken by it has to be confirmed and ratified by the A.-I.C.C. The fact that the A.-I.C.C. and other Congress Committees are still banned is an obstacle in our way.

4. Further the fact of large number of detenus and Congress prisoners.

5. Clarification to be sought from the Viceroy or in the Conference in regard to :

(*i*) External Affairs Department.

(*ii*) Financial implications of defence.

(*iii*) How far it is possible to give a nationalist character to the Indian Army without at present changing its status or organization in any way. The Indian Army Officers and men should have the same freedom of meeting people as the British army has in England. The present barriers isolating them to go.

(*iv*) After the present war in South-East Asia is over, it must be clearly understood that the Indian Government cannot support any policy aimed at the continuation of imperialist control of any of the countries of S.E. Asia, nor can it allow the use of Indian resources for the deprivation of freedom of any of these countries.

(*v*) In regard to the Indian states, while recognizing that, during the interim period, the powers of the Crown Representative continue, it is clear that the National Government will have to deal with many matters which overlap and have concern with the States in regard to trade, industry, labour etc., etc. This government may, when it considers this necessary, make suggestions and recommendations in regard to other State matters also to the Crown Representative. Further the barriers between the States Peoples, the Princes, and members of the National Government and their associates should be removed, so as to help in mutual discussions and consultations and the consideration of common problems, thus leading to the solution of these problems and even amalgamation with Federal India.

(*vi*) Provincial coalition would depend on the particular conditions of parties and groups in each particular province.

(*vii*) The question of recruitment for higher services and the commitments made in regard to them must be considered. Commitments in regard to foreign recruitments cannot be accepted, though the National Government will, whenever it considers necessary, welcome and engage foreign experts.

The President will add to these matters requiring elucidation whenever he considers this necessary and give such other directions as may be required. He may also make such alterations as he considers necessary." *W.C. : June 21-22, 1945 : Bombay : I.*

*Statement of Maulana Abul Kalam Azad at Press Conference, Simla July 14, 1945**

Maulana Azad explained the talks he had with the Viceroy on June 24, when he placed the Congress point of view before him. He said that he emphasised that (1) the present arrangement was purely temporary and interim, (2) it was a preliminary step in the goal of independence, and (3) the Working Committee wished to co-operate in every reasonable way but their decision required ratification by the All-India Congress Committee.

Maulana Azad threw further light on other points that (1) every effort should be made to give national character to the Indian Army and to bring about cordiality between the National Army and the National Government and the people and (2) the Indian Government could not support any policy aimed at continuation of imperialist control of any of the countries in South-East Asia nor could it allow use of its resources in men and money.

Maulana Azad said that the Congress was prepared to accommodate the Muslim League consistently with its national policy. This would be made clear when the panel submitted by the Congress was officially released. Failure of the Conference, he added, was due to the uncompromising attitude taken by the League.

Continuing, Maulana Azad said that the British Government must share the responsibility for the communal situation in the country today. Settlement would be possible either now or in future only on a reasonable and fair term, he added.

"Two points arise out of the present position ; the first is that the attitude of the Muslim League is responsible for the failure of the Conference and the second point which emerges from the situation is that after the refusal of the Muslim League the question naturally

*No authoritative version of this statement being available, extracts have been quoted from Press reports.

Also in

Banerjee, A.C. *The Making of the Indian Constitution*, 1939-47. Vol. I, pp. 101-102.

came before the Viceroy whether a forward step should be taken or not. The Viceroy decided not to take it for the present", observed Maulana Azad.

Maulana Azad said that he had made it clear to the Viceroy that the Congress was prepared to go forward and if a certain group wished to keep out it might be left out.

"With a faltering step and wavering mind we cannot cover our destination," remarked Maulana Azad.

"It is good to think twice before taking a step forward. But when the step has already been taken hesitation is not virtue but weakness. If the British Government wished to give shape to things they should have realised the communal condition. They should have been prepared not to surrender the right of veto to any group and thus block the path of progress", Maulana Azad said.

*Statement by Mr. M.A. Jinnah on the Simla Conference 14th July, 1945**

On a final examination and analysis of the Wavell Plan, we found that it was a snare. There was the combination consisting of the Gandhi-Hindu Congress who stand for India's Hindu national independence as one India, and the latest exponents of geographical unity, Lord Wavell and Glancy-Khizr, who are bent upon creating disruption among the Mussulmans in the Punjab. We are sought to be pushed into this arrangement, which, if we had agreed to, as proposed by Lord Wavell, we should have signed our death warrant.

Let us honestly examine the Wavell Plan. Our stand has been, and we have repeatedly made it clear to the British Government, times out of number since 1940, that we cannot consider or enter into any provisional interim Government unless a declaration is made by the British Government guaranteeing the right of self-determination of Muslims and pledging that after the war, or so soon as it may be possible, the British Government would establish Pakistan, having regard to the basic principles laid down in the Lahore Resolution of the Muslim League, passed in March 1940. This was the first condition precedent to our considering any provisional arrangement. Condition two was that we are not a minority, but a nation, and we can only enter into a provisional arrangement having regard to the necessities and exigencies of the moment created by the war and fully co-operate in the prosecution of the war and that in any arrangement we claimed an equal number in the proposed Executive.

**The Indian Annual Register*, Vol. II. p.137-9.
Also in
Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. II, pp. 564-566.

The Wavell proposals set at nought both these conditions and called upon us to make the severest sacrifice. I know, in his broadcast, he said that these propasals are without prejudice to any future Constitution or Constitutions of India. While in one breath it is impressed upon us that these proposals are without prejudice to and do not prejudge the Pakistan issue, yet, the plan, in fact, contradicts this in the next breath by its very terms. It is obvious to any intelligent man that, if we accept this arrangement, the Pakistan issue will be shelved and put in cold storage indefinitely, whereas the Congress will have secured under this arrangement what they want, namely, a clear road for their advance towards securing Hindu national independence of India, because the future Executive will work as a unitary Government of India, and we know that this interim or provisional arrangement will have a way of settling down for an unlimited period and all the forces in the proposed Executive plus the known policy of the British Government and Lord Wavell's strong inclination for a united India would completely jeopardize us. I will quote Mr. Amery, who has tried his best, but in the result, has given us cold comfort. His statement is a very clear indication and a pointer to the British policy. Speaking in the House of Commons, when he presented the White Paper, he said as follows : 'The ideal to which we have always looked is that of an all-India Union in which the States would play their full part. At the same time, we have also recognized the possibility that agreement between Hindus and Muslims on any form of Indian unity may be unattainable. Any interim advance, therefore, must in no way prejudge the question whether the ultimate settlement is based on a united or divided India.'

Next, in the proposed Executive, we would be required to be a minority of one-third. All the other Minorities, such as the Scheduled Castes, Sikhs and Christians have the same goal as the Congress. They have their grievances as Minorities, but their goal and ideology is and cannot be different from or otherwise than that of a united India. Ethnically and culturally, they are very closely knitted to Hindu society.

I am not against full justice being done to all the Minorities and they should be fully safeguarded and protected as such, wherever they may be. But in actual working and practice, invariably, their vote will be against us, and there is no safeguard for us except the Viceroy's veto, which, it is well known to any constitutionalist, cannot be exercised lightly as everyday business against majority decisions with regard to the policy and the principles that will have to be laid down and measures adopted, both administrative and legislative.

On top of this, came the last straw on the camel's back, that even about the five members of the Muslim bloc allotted to us communalwise, which is the essence of the Wavell proposals, we were told that the Muslim League was not entitled to nominate all the Muslim representatives as our chosen spokesmen ; and there were two claimants—the Congress claimed two, and Glancy-Khizr on behalf of the Punjab claimed one. This move on the part of these two went at the very root and the very existence of the Muslim League regarding its position, character and status. But finally we broke as Lord Wavell insisted upon his having one non-Leaguer nominee of Malik Khizr Hyat representing the Punjab Muslims. As I have said, it is only the blind who cannot see that the All-India Muslim League is the only authoritative representative organization of the Mussulmans. If we had accepted the position as presented to us by Lord Wavell, we would have emerged out of this conference minus everything, and we would have entirely betrayed our people. It would have been an abject surrender on our part of all we stand for, and it would have been a death-knell to the Muslim League. This was the position which faced us and we found that it was impossible for us to accept this arrangement.

*Lord Wavell's Statement, Simla Conference, July 14, 1945**

Unfortunately, the Conference was unable to agree about the strength and composition of the Executive Council, and on the 29th June I undertook,with the approval of the Conference, to endeavour to produce a solution not based on any formula agreed in advance. I asked the parties to let me have lists of names, and said I would do what I could to produce a solution acceptable to the leaders and to the Conference.

I received lists from all parties represented here except from the European Group, who decided not to send a list, and the Muslim League. I was, however, determined that the Conference should not fail until I had made every possible effort to bring it to a successful ending. I therefore made my provisional selections including certain Muslim League names, and I have every reason to believe that if these selections had been acceptable here they would have been acceptable to His Majesty's Government.

My selections would, I think, have given a balanced and efficient Executive Council, whose composition would have been reasonably fair to all parties.

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*Banerjee, A.C. *The Making of the Indian Constitution,* 1939-1947, Vol. I, pp. 99-100.

I did not find it possible, however, to accept the claims of any party in full. When I explained my solution to Mr. Jinnah he told me that it was not acceptable to the Muslim League and he was so decided that I felt it would be useless to continue the discussion.

In the circumstances I did not show my selections as a whole to Mr. Jinnah, and there was no object in showing them to the other leaders. The Conference has, therefore, failed.

Nobody can regret this more than I do myself. I wish to make it clear that the responsibility for the failure is mine. The main idea underlying the Conference was mine. If it had succeeded its success could have been attributed to me and I cannot place the blame for its failure upon any of the parties.

*Statement by Sir Stafford Cripps on the failure of the Simla Conference, 15 July 1945**

The obvious cause of the breakdown is not so much the constitution of an interim Government as the influence any temporary arrangement is likely to have upon more permanent decision which will have to be made for full and free self-government of India.

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It would seem that in the present circumstances emphasis has shifted once again from transitional arrangements to a permanent settlement.

If this be so, then it is obviously desirable not to waste further time trying to arrive at a temporary arrangement, which is mixed up inexplicably with problems of permanent settlement, especially with that of the unity of British India. It is far better to expedite means of arriving at a permanent settlement in which the question of Pakistan must form a major issue.

It would not be right to allow any Minority, however large, and important, to hold up the attainment of self-government in India, any more than it would be right to force the Muslim majority Provinces into a new constitutional arrangement to which they took fundamental objection.

I would urge, therefore, that the immediate outcome of the present failure should be to hold new elections in India and to form from the representatives so elected a Constituent Assembly to work out a new free self-government Constitution for British India or such part of it as was ready to consent to such a Constitution.

**The Indian Annual Register*, Vol. II, p. 137.
Also in
Gwyer, *Sir*, Maurice and Appadorai. A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. II, p. 566.

Constitution Sub-Committee

"In view of the events which happened in the country since August, 1942, temporary revision of the Congress constitution to meet the present contingency was called for. The Working Committee appointed a Sub-Committee consisting of Babu Rajendra Prasad, Dr. Pattabhi Sitaramayya and Pandit Govind Ballabh Pant to suggest necessary changes and amendments of articles in the constitution, to facilitate fresh elections in the near future."

W.C. : Sept.12-18, 1945 : Poona : III.

*Parliamentary Delegation to India : Statement by Lord Pethick Lawrence, Secretary of State for India, in the House of Lords, 4 December 1945**

The statement made by the Viceroy after his return to India contemplates steps which His Majesty's Government propose should be taken to promote early realization of full self-government in India. The full significance of these proposals does not seem to have been properly appreciated in India. Since it is the firm conviction of His Majesty's Government that it is by, and in consultation with, directly elected representatives of the Indian people that decisions as to the future governance of British India should be taken, it was a necessary preliminary that elections should be held to the Provincial Legislatures and the Central Assembly in India. It was announced that after the elections in India preparatory discussions would be held with the elected representatives of British India and with the Indian States in order to secure the widest measure of agreement as to the method of framing the Constitution.

Unjustified suggestions have gained wide currency in India that these discussions would be a fruitful source of delay. I desire to make it plain that His Majesty's Government regard the setting up of a constitution-making body, by which Indians will decide their own future, and also other proposals embodied in the announcement as a matter of the greatest urgency.

This misunderstanding has led His Majesty's Government to consider whether opportunities of personal contact between this country and India, which have been greatly interrupted during recent years, cannot now be increased.

They regard it as a matter of importance that members of our own Parliament should have an opportunity to meet leading political

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**The Indian Annual Register*, Vol. II, p. 150.
Also in
Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. II, pp. 568-569.

Indian personalities to learn their own views at first hand. They would also be able to convey in person the general wish and desire of the people of this country that India should speedily attain her full and rightful position as an independent partner state in the British Commonwealth and the desire of Parliament to do everything within our power to promote speedy attainment of that objective.

His Majesty's Government are, therefore, arranging for a Parliamentary delegation to go to India under the auspices of the Empire Parliamentary Association. The intention is that this party should leave this country as soon as possible. In view of the difficulties of transport, it will be limited in size. The delegation will be selected by the Association in consultation with Parliamentary representatives of the chief political parties in this country.

*General elections and plans for summoning a constitution-making body : Broadcast speech by His Excellency the Viceroy, Lord Wavell, 19 September 1945**

After my recent discussions with His Majesty's Government in London, they authorized me to make the following announcement :

As stated in the gracious Speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost to promote in conjunction with the leaders of Indian opinion the early realization of full self-government in India. During my visit of London they have discussed with me the steps to be taken.

An announcement has already been made that elections to the Central and Provincial Legislatures, so long postponed owing to the war, are to be held during the coming cold weather. Thereafter His Majesty's Government earnestly hope that ministerial responsibility will be accepted by political leaders in all Provinces.

It is the intention of His Majesty's Government to convene as soon as possible a constitution-making body, and as a preliminary step they have authorized me to undertake, immediately after the elections, discussion with representatives of the Legislative Assemblies in the Provinces, to ascertain whether the proposals contained in the 1942 Declaration are acceptable or whether some alternative or modified scheme is preferable. Discussions will also be undertaken with the representatives of the Indian States with a view to ascertaining in what way they can best take their part in the constitution-making body.

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*Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. II, pp. 567-568.

His Majesty's Government are proceeding to the consideration of the content of the treaty which will require to be concluded between Great Britain and India.

During these preparatory stages, the Government of India must be carried on, and urgent economic and social problems must be dealt with. Furthermore, India has to play her full part in working out the new world order. His Majesty's Government have, therefore, further authorized me, as soon as the results of the Provincial elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties.

That is the end of the announcement which His Majesty's Government have authorized me to make.

We must first hold elections so that the will of the Indian electorate may be known. It is not possible to undertake any major alteration of the franchise system. This would delay matters for at least two years. But we are doing our best to revise the existing electoral rolls efficiently. After the elections, I propose to hold discussions with representatives of those elected, and of the Indian States to determine the form which the constitution-making body should take, its powers and procedure. The Draft Declaration of 1942 proposed a method of setting up a constitution-making body but His Majesty's Government recognize that, in view of the great issues involved and the delicacy of the Minority problems, consultation with the people's representatives is necessary before the form of the constitution-making body is finally determined.

*Resolution of the Working Committee of the Indian National Congress on United India and Self-determination, 12-18 and 21-24 September 1945**

As some misapprehensions have arisen in regard to certain resolutions of the All-India Congress Committee and of the Working Committee passed in 1942 relating to the future Constitution of India, the Working Committee restates the position as follows :

In accordance with the August 1942 resolution of the All-India Congress Committee it will be for a democratically elected Constituent Assembly to prepare a Constitution for the Government of India, acceptable to all sections of the people. This Constitution, according to the Congress view, should be a federal one, with the residuary powers vesting in the Units. The fundamental rights as laid down

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**The Indian Annual Register*, Vol. II, p. 137.
Also in
Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol, II, pp. 569-571.

by the Karachi Congress, and subsequently added to, must form an integral part of this Constitution. Further, as declared by the All-India Congress Committee at its meeting held in Allahabad in May 1942, the Congress cannot agree to any proposal to disintegrate India by giving liberty to any component State or territorial Unit to secede from the Indian Union or Federation. The Congress, as the Working Committee declared in April 1942, has been wedded to Indian freedom and unity and any break in that unity, especially in the modern world when people's minds inevitably think in terms of ever larger federations, would be injurious to all concerned and exceedingly painful to contemplate. Nevertheless the Committee also declared, it cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will. While recognizing this principle, every effort should be made to create conditions which would help the different Units in developing a common and co-operative national life. The acceptance of the principle inevitably involves that no changes should be made which result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial Unit should have the fullest possible autonomy within the Union, consistently with a strong national state.

THE CABINET MISSION, 1946

*Statement by Lord Pethick Lawrence, Secretary of State for India, in the House of Lords, 19 February 1946**

The House will recall that on 19 September 1945, on his return to India after discussions with the British Government, the Viceroy made a statement of policy in the course of which he outlined the positive steps to be taken immediately after the Central and Provincial elections to promote, in conjunction with leaders of Indian opinion, early realization of full self-governmont in India.

Those steps include : first, preparatory discussions with elected representatives of British India and with Indian States in order to secure the widest measure of agreement as to the method of framing a Constitution ; second, the setting up of a constitution-making body ; and third, the bringing into being of an Executive Council having the support of the main Indian parties.

Elections at the Centre were held at the end of last year and in some of the Provinces they are also over and responsible Governments are in the process of formation. In other Provinces polling dates are

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**The Indian Annual Register*, Vol. I, p. 129.
Also in
Quoted in Gwyer, *Sir* Maurice, Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. II, p. 571.

spread over the next few weeks. With the approach of the end of the electrol campaign, the British Government have been considering the most fruitful method of giving effect to the programme to which I have referred.

In view of the paramount importance, not only to India and to the British Commonwealth but to the peace of the world, of a successful outcome of discussion with leaders of Indian opinion, the British Government have decided with the approval of His Majesty the King to send out to India a special mission of Cabinet Ministers consisting of the Secretary of State for India (Lord Pethick Lawrence), the President of the Board of Trade (Sir Stafford Cripps) and the First Lord of the Admiralty (Mr. A.V. Alexander) to act in association with the Viceroy in this matter.

*Extracts from speech of Mr. Attlee, House of Commons, March 15, 1946**

I do not intend to make a long speech today, and I do not think it would be wise to do so. In particular, I think it would be most unhelpful to review the past. It is so easy to go back over the past and, in accordance with one's predilections, apportion the blame for past failure in the long drawn out discussions there have been on this extraordinarily difficult problem—the problem of the development of India into a completely self-governing nation. Over such a long period of the past it is so easy to say that at this stage or at that stage opportunities were missed by the faults of one side or the other. I think also.....it would be a great mistake to stake out the claims of rival communities ; we may be quite sure that will be done any way.

I have had a fairly close connection with this problem now for nearly 20 years, and I would say there have been faults on all sides but at this time we should be looking to the future rather than harking back to the past. This alone I would say to hon. Members that it is no good applying the formulae of the past to the present position. The temperature of 1946 is not the temperature of 1920 or of 1930 or even of 1942. The slogans of an early day are discarded. Indeed, sometimes words that seemed at that time to Indians to express the height of their aspirations are now set on one side, and other words, other ideas, are substituted. Nothing increases more the pace of the movement of public opinion than a great war. Everyone who had anything to do with this question in the early days between the wars knows what an effect the war of 1914-18 had on Indian aspirations and Indian ideals. A tide which runs slowly

Quoted in Banerjee, A. *The Making of the Indian Constitution*, 1939-1947, Vol. I, pp. 104-110.

in peace becomes in war-time vastly accelerated, especially directly after a war, because that tide is to some extent banked up during the war.

I am quite certain that at the present time the tide of nationalism is running very fast in India and, indeed, all over Asia. One always has to remember that India is affected by what happens elsewhere in Asia. I remember so well, when I was on the Simon Commission, how it was borne on upon us what an effect the challenge that had been thrown out by Japan at that time had had on the Asiatic people. The tide of nationalism that at one time seemed to be canalised among a comparatively small proportion of the people of India—mainly a few of the educated classes—has tended to spread wider and wider. I remember so well, indeed, I think we put it in the Simon Commission Report, that although there were great differences in the expression of nationalist sentiment between what are called the extremists and the moderates, and although in many circumstances there might be such a stress on communal claims as might seem almost to exclude the conception of nationalism, yet we found that Hindu, Muslim, Sikh or Mahrattah, the politician or civil servant—among all of them that conception of nationalism had been growing stronger and stronger. To-day I think that national idea has spread right through and not least, perhaps, among some of those soldiers who have given such wonderful service in the war. I should like to-day, therefore, not to stress too much the differences between Indians. Let us all realise that whatever the difficulties, whatever the divisions may be, there is the underlying demand among all the Indian peoples.

The right hon. gentleman did not suggest that the Government should publish any exact terms of reference of the Mission. We have set out the general purpose and it is our intention that they should be given as free a hand as possible. There will be matters, undoubtedly on which it will be necessary to refer back for a Cabinet decision, but in the rather fluid position at the present time, when we desire to get the utmost co-operation and goodwill between all the leaders of Indian opinion, it would be unwise to try to tie down those who are going out too rigidly. Indeed the obvious reason of sending out Cabinet Ministers is that we send out persons of responsibility who are able to take decisions. Of course, there must be an area in which there may have to be a reference back.

The right hon. gentleman stressed the great part India played during the war. It is worthwhile recording that twice in 25 years India has played a great part in the defeat of tyranny. Is it any wonder that to-day she claims—as a nation of 400,000,000 people

that has twice sent her sons to die for freedom—that she should herself have freedom to decide her own destiny ? My colleagues are going to India with the intention of using their utmost endeavours to help her to attain that freedom as speedily and fully as possible. What form of government is to replace the present regime is for India to decide : but our desire is to help her to set up forthwith the machinery for making that decision. There we are met sometimes with the initial difficulty of getting that machinery set up. We are resolved that machinery shall be set up and we seek the utmost co-operation of all Indian leaders to do so.

The right hon. gentleman quoted the statement that had been made with regard to India's future. India herself must choose what will be her future constitution : what will be her position in the world. I hope that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so. In these days that demand for complete, isolated nationhood, apart from the rest of the world, is really out-dated. Unity may come through the United Nations, or through the Commonwealth, but no great nation can stand alone without sharing in what is happening in the world. But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has right to do so. It will be for us to help to make the transition as smooth and easy as possible.

We should be conscious that the British have done a great work in India. We have united India and given her that sense of nationality which she so very largely lacked over the previous centuries. She has learned from us principles of democracy and justice. When Indians attack our rule, they base their attack, not on Indian principles, but on the basis of standards derived from Britain. I was very struck the other day in the United States, at a dinner where I met a number of distinguished Americans, including a very distinguished Indian, where the talk was turning on the way in which principles worked out here have been applied on the continent of America. It was pointed out that America had a great heritage from Britain. My Indian friend said to me, "You know, the Americans sometimes forget there is another great nation that has also inherited these principles and traditions, and that is India. We feel that we have a duty, a right and a privilege because we also bring to the world and work those very principles that you evolved in Britain."

I am well aware, when I speak of India, that I speak of a country containing a congeries of races, religions and languages, and I know

well all the difficulties thereby created. But those difficulties can only be overcome by Indians. We are very mindful of the rights of Minorities and Minorities should be able to live free from fear. On the other hand, we cannot allow a Minority to place a veto on the advance of the Majority.

We cannot dictate how these difficulties may be overcome. Our first duty is to get the machinery of decision set up. That is the main purpose of my hon. friends and the Viceroy. We also want to see set up an Interim Government. One of the purposes of the Bill which has been discussed to-day is to give the Viceroy a greater freedom in order that in the period that shall elapse while this constitution is being worked out, we may have a Government commanding the greatest possible support in India. I would not like to fetter the Viceroy's discretion in any way with regard to the allocation of portfolios.

There were a number of points my right hon. friend mentioned with which I should like to deal. There is the problem of the Indian States. In many Indian States great advances have been made in democratic institutions, and a most interesting experiment is now going forward in Travancore, under the guidance of the distinguished statesman, Sir C. P. Ramaswami Aiyar. Of course, the feelings in British India in regard to nationalism and the unity of India cannot be confined by the boundaries that separate these States from the provinces. I hope that the statesmen of British India and of princely India will be able to work out a solution of the problem of bringing together, in one great polity, these disparate constituent parts. There again, we must see that the Indian States find their due place, there can be no positive veto on advance, and I do not believe for a moment that the Indian princes would desire to be a bar to the forward march of India. But, as in the case of any other problems, this is a matter that Indians will settle themselves.

I am very well aware, as we all are, of the Minority problems in India, and I think that Indian leaders are more and more realising the need for settling them if India is to have a smooth passage in future years. I believe that due provision will be made for that in the Constitution, and my right hon. friends, in their conversation, will certainly not neglect the point. We must, however, recognise that we cannot make Indians responsible for governing themselves and, at the same time, retain over here responsibility for the treatment of Minorities and the power to intervene in their behalf. We are mindful, too, I can assure the right hon. gentleman, of the position of the Services—the men who have done great service to India and the position of their families. I think India should be sensible

of the responsibility she has towards those who have served her, and I think that the Government which takes over, so to speak, the assets of our Government will also have to take over the liabilities. There again, that is a point to be dealt with later on. It does not concern the immediate purpose of setting up what I have called the instrument of decision. I entirely agree with what the right hon. gentleman said with regard to the Treaty. That Treaty is primarily for India. We are not going to hang out for anything for our own advantage which would be a disadvantage to India.

In conclusion, may I stress again the crucial nature of the task before us. This problem is of vital importance not only to India and the British Commonwealth and Empire, but to the world. There is this immense nation, set in the midst of Asia which has been ravaged by war. Here we have the one great country that has been seeking to apply the principles of democracy. I have always hoped myself that politically India might be the light of Asia..... At the present moment I do not think I should say anything on the social and economic difficulties to which the right hon. gentleman referred except this : I believe that these economic and social difficulties can only be solved by the Indians themselves, because they are so closely bound up with whole Indian way of life and outlook. Whatever we can to assist, we shall do. My right hon. friends are going out to India resolved to succeed and I am sure everyone will wish them God-Speed.

Extracts from Statement of Lord Pethick Lawrence, Press Conference, New Delhi, March 25, 1946

"With one or two exceptions all the results of the provincial elections will be known by the end of the next ten days. We shall, therefore, begin our consultations a week from to-day. In the meantime I and my colleagues will be engaged in bringing ourselves up-to-date with the situation, and in conferring with His Excellency the Viceroy and with the Governors of Provinces who are coming to Delhi to meet us. We are looking forward to meet with the Executive Council to-morrow evening.

You all know the general purpose of the discussions on which we shall be engaged. It was stated by Mr. Attlee, our Prime Minister, in his speech in the House of Commons on March 15.

The discussions now to begin are preliminary to the setting up of a machinery whereby the forms under which India can realise her full independent status can be determined by Indians. The objective is to set up an acceptable machinery quickly, and to make the necessary interim arrangements.

Mr. Attlee in his speech which, in the subsequent debate, was shown to represent substantially the views of all parties, made it quite clear that if Indians should decide that they desire, under their new constitutional arrangements, to be outside the British Commonwealth of Nations, H. M. G. recognise their right to take that decision. We believe ourselves that India will find great advantages in remaining within the free association of the British Commonwealth. But it is a free association, and we have no desire to press India to stay within it against her considered judgment.

The issue of freedom and self-determination is, therefore, settled in principle. We have now to work out in co-operation the means by which Indians can themselves decide the form of their new institutions with the minimum of disturbance and the maximum of speed.

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*Resolution passed by the Muslim League Legislators' Convention, 9 April 1946**

Whereas in this vast sub-continent of India, 100 million Muslims are the adherents of a faith which regulates every department of their life (educational, social, economic and political), whose code is not confined merely to spiritual doctrines and tenets or rituals and ceremonies and which stands in sharp contrast to the exclusive nature of Hindu *dharma* and philosophy which has fostered and maintained for thousands of years a rigid caste system resulting in the degradation of 60 million human beings to the position of Untouchables, creation of unnatural barriers between man and man and superimposition of social and economic inequalities on a large body of the people of this country, and which threatens to reduce Muslims, Christians and other Minorities to the status of irredeemable helots, socially and economically ;

Whereas the Hindu caste system is a direct negation of nationalism, equality, democracy and all the noble ideas that Islam stands for ;

Whereas different historical backgrounds, traditions, cultures, social and economic orders of the Hindus and Muslims made impossible the evolution of a single Indian nation inspired by common aspirations and ideals and whereas after centuries they still remain two distinct major nations ;

**The Indian Annual Register* (1946), Vol. 1, pp. 194-5.
Also in
Gwyer, *Sir* Maurice and Appadorai, A : *Speeches and Documents on the Indian Constitution*, 1921-1947, Vol. II, pp. 569-571.

Whereas, soon after the introduction by the British of the policy of setting up political institutions in India on the lines of Western democracies based on majority rule, which means that the majority of the nation or society could impose its will on the majority of other nation or society in spite of their opposition as was amply demonstrated during the two and a half years' regime of Congress Governments in the Hindu-majority Provinces under the Government of India Act, 1935, when the Muslims were subjected to untold harassment and oppression as a result of which they were convinced of the futility and ineffectiveness of the so-called safeguards provided in the Constitution and in the Instrument of Instructions to the Governors and were driven to the irresistible conclusion that in a United India Federation, if established, the Muslims, even in majority Provinces, would meet with no better fate and their rights and interests could never be adequately protected against the perpetual Hindu majority at the Centre ;

Whereas the Muslims are convinced that with a view to saving Muslim India from the domination of the Hindus and in order to afford them full scope to develop themselves according to their genius, it is necessary to constitute a sovereign independent state, comprising Bengal and Assam in the north-east zone and the Punjab, North-West Frontior Province, Sind and Baluchistan in the North-West zone ;

This Convention of the Muslim League Legislators of India, Central and Provincial, after careful consideration hereby declares that the Muslim Nation will never submit to any Constitution for a United India and will never participate in any single constitution-making machinery set up for the purpose, and that any formula devised by the British Government for transferring power from the British to the peoples of India, which does not conform to the following just and equitable principles calculated to maintain internal peace and tranquillity in the country, will not contribute to the solution of the Indian problem ;

That the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-west of India, namely, Pakistan zones, where the Muslims are a dominant majority, be constituted into a sovereign independent state and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay ;

That two separate constitution-making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions ;

That the Minorities in Pakistan and Hindustan be provided with safeguards on the lines of the All-India Muslim League resolution passed on the 23rd March 1940[1], at Lahore ;

That the acceptance of the Muslim League demand for Pakistan and its implementation without delay are the *sine qua non* for the Muslim League co-operation and participation in the formation of an Interim Government at the Centre ;

This Convention further emphatically declares that any attempt to impose a Constitution on a united India basis or to force any interim arrangement at the Centre, contrary to the Muslim demand, will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

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*Memorandum by the All-India Hindu Mahasabha to the Cabinet Mission, 14 April 1946**

Declaration of Independence

As all sovereignty in respect of India vests in the Indian people, it is the right of the Indians to be fully and completely free like all the free people in the world.

It is only absolutely unfettered freedom that will enable India to be a front-line nation in the world, and to play her rightful role in the maintenance of world peace and world order. It is independence, coupled with India's natural resources, man-power and strategic position in the geography of the world, that will enable her to hold the scales even between the West and the East. There are also several other considerations which require that India should be free from any external obligations and control.

The Hindu Mahasabha, therefore, urges that India should be fully free and independent, and that a declaration to that effect should be immediately made by the British Cabinet through the proper channel.

The Mahasabha is of the opinion that it is alliance on equal terms with, rather than membership of, the British Commonwealth of Nations, that will be in tune with the time-spirit, and will also prove beneficial to both in the long run.

India's Integrity and Indivisibility

Be the modes of living and worship of the Indian people what they may, there can be no doubt that geographically, historically, ethnologically, politically, and even culturally India is one whole

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*Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, 1921-47, Vol. II, pp. 627-630.

and indivisible, and it must remain so in future. This integrity and indivisibility must be maintained, whatever the cost and sacrifice be.

No community in India can rightfully claim to constitute a nation, much less a sovereign nation, with a separate homeland of its own. Partition of India into two or more sovereign nations under any guise or disguise will be economically unsound and disastrous, and politically unwise and suicidal.

Territorial Self-Determination

The Hindu Mahasabha is opposed to the new-fangled principle of territorial self-determination, as in theory it is vicious and in practice will prove more dangerous than Pakistan itself.

Indian Union

India's Constitution should be of a federal type with the Indian Union at the Centre and the Provinces and the Indian Union as its federating units.

The Constitution should leave no room for any Province or an Indian State not to accede to the said Union or to secede thereform.

Provincial Autonomy and Residuary Powers

The Constitution should provide for the grant of the utmost possible measure of autonomy to the federating units, but with the residue of powers vested in the Centre.

The Union Government should have the power of superintendence and control in cases where the federating units go wrong in respect of national policy or interest and should be strong to exercise this power effectively.

Rule of Majority

The Constitution should contain no provision which will tend, directly or indirectly, to reduce a majority into minority by the grant of special concessions to Minorities such as weightage, excessive representation, parity and so forth. The governing principle of the Constitution should be democracy, which means the rule of majority. The so-called 'parity of representation' should not be recognized even with joint electorates, as it would amount to penalizing the Hindus for no fault of theirs but for the mere reason that they constitute a majority.

The Constitution shall guarantee adequate safeguards for the protection of religion, culture and language for all, including Minorities.

Joint Electorate and Adult Franchise

The representation both in the Federal and Provincial Legis-

latures should be on the principle of adult franchise and one man one vote.

The electorate should be joint with reservation of seats for Minorities according to the population basis, wherever necessary.

The Hindu Mahasabha is of the opinion that it will be highly imprudent to frame India's Constitution on principles other than those as envisaged above, as such a Constitution will not fail to be a perennial source of political irritation and strife.

Interim Government

An Interim Central Government should be formed immediately composed of representatives of the political parties willing to shoulder responsibility. The formation of such a Government should not be delayed on the plea of non-cooperation on the part of any particular party. During the period of transition, the Viceroy will act as the constitutional head and will not exercise his power of veto.

There should take place complete transfer of power and authority of the Government of India to the Interim Government.

It should be one of the primary functions of this Government to provide adequate facilities to the Constituent Assembly to carry on its work without let or hindrance.

Constituent Assembly

The Constituent Assembly will consist of representatives of all political parties in proportion to their voting strength as shown in the last elections.

The Constituent Assembly will be the sovereign body which will decide the terms of treaty with Great Britain.

The Constituent Assembly will decide all matters by majority vote, and the decisions so taken should be binding on all.

The Constitution framed by the Constituent Assembly will be the Constitution of India.

These are broadly the main principles which the Hindu Mahasabha stands for in so far as India's Constitution is concerned.

Statement by the Cabinet Mission to India and His Excellency the Viceroy, 16 May 1946

1. On the 15th March last, just before the dispatch of the Cabinet Mission to India, Mr. Attlee, the British Prime Minister, used these words :

'My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily

and fully as possible. What form of government is to replace the present regime is for India to decide ; but our desire is to help her to set up forthwith the machinery for making that decision...

'I hope that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so . . .

'But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.'

2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try to reach a settlement but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new Constitution. The statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future Constitution of India, and an Interim Government may be set up at once to carry on the administration of British India until such time as a new Constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people ; and to recommend a solution which will lead to a practicable way of governing the India of the future and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence which has been submitted to the Mission ; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideation did not, however, deter us from examining closely and impartially the possibility of a partition of India ; since

we were greatly impreseed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. The feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We, therefore, examined in the first instance the question of a separate and a fully independent sovereign state of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas : one in the North-West consisting of the Provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan ; the other in the North-East consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate state of Pakistan was based, first, upon the right of the Muslim majority to decide their method of government according to their wishes, and, secondly, upon the necesssity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim Minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures show :

	Muslims	Non-Muslims
North-Western Area		
Punjab	16,217,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan ...	438,930	62,701
	22,653,224	13,840,231
	62·07 per cent	37·93 per cent
North-Eastern Area		
Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	36,447,913	34,063,345
	51·69 per cent	48·31 per cent

The Muslim Minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign state of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem ; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is

predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim-majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (*a*) the whole of the Ambala and Jullundur divisions in the Punjab ; (*b*) the whole of the Assam except the district of Sylhet ; and (*c*) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23·6 per cent. We ourselves are also convinced that any solution which involves a radical partitition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have, therefore, been forced to the conclusion that neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian Armed forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers,. The Indian Navy and Indian Air Force would become much effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan state are separated by some seven hundred

miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are, therefore, unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign states.

12. This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with compulsory subjects, were responsible to the whole of India while other Ministers, who dealt with optional subjects, would be responsible only to those Provinces who had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion. Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other Provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained, by the British Crown nor transferred to the new Government. This fact has been fully recognized by those whom we interviewed from the States. They have at the

same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties and would at the same time be most likely to bring about a stable and practicable form of Constitution for all India.

We recommend that the Constitution should take the following basic form :

(1) There should be a Union of India, embracing both British India and the States which should deal with the following subjects : Foreign Affairs, Defence, and Communications ; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British Indian and States' representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communties as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form groups with Executives and Legislatures, and each group could determine the Provincial subjects to be taken in common.

(6) The Constitutions of the Union and of the groups should contain a provision whereby any Province could by a majority vote of its Legislative Assembly call for a reconsideration of the terms of the Constitution after an initial period of ten years and at ten-yearly intervals thereafter.

16. It is not our object to lay out the details of a Constitution on the above programme but to set in motion machinery whereby a Constitution can be settled by Indians for Indians.

It has been necessary, however, for us to make this recommendation as to the broad basis of the future Constitution because it

became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new Constitution to be worked out.

18. In forming any assembly to decide a new constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise, but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new Constitution. The only practical course is to utilize the recently elected Provincial Legislative Assemblies as electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam, with a population of 10 million, has a Legislative Assembly of 108 members, while Bengal, with a population six times as large has an Assembly of only 250. Secondly, owing to the weightage given to Minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province. Thus the number of seats reserved for Moslems in the Bengal Legislative Assembly is only 48 per cent of the total, although they form 55 per cent of the provincial population. After a most careful consideration of the various methods by which these points might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

(*a*) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage ;

(*b*) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population ;

(*c*) to provide that the representatives allocated to each community in a Province shall be elected by members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognize only three main communities in India, General, Moslem and Sikh,

the 'General' community including all persons who are not Moslems or Sikhs. As smaller Minorities would upon a population basis have little or no representation, since they would lose the weightage which assures them seats in Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to Minorities.

19. (*i*) We, therefore, propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislative Assembly (General, Moslem or Sikh) electing its own representatives by the method of proportional representation with single transferable vote :

TABLE OF REPRESENTATION

Section A

Province		General	Muslims	Total
Madras	..	45	4	49
Bombay	..	19	2	21
United Provinces	..	47	8	55
Bihar	..	31	5	36
Central Provinces	..	16	1	17
Orissa	..	9	0	9
Total	..	167	20	187

Section B

Province		General	Muslims	Sikhs	Total
Punjab	..	8	16	4	28
North-West Frontier Province	..	0	3	0	3
Sind	..	1	3	0	4
Total	..	9	22	4	35

Section C

Province		General	Muslims	Total
Bengal	..	27	33	60
Assam	..	7	3	10
Total	..	34	36	70

Total for British India	..	292
Maximum for Indian States	..	93
Total	..	385

NOTE. In order to represent the Chief Commissioners' Provinces there will be added to Section A the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer-Merwara in the Central Legislative Assembly and a representative to be elected by the Coorg Legislative Council.

To Section B will be added a representative of British luchistan.

(*ii*) It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93 ; but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(*iii*) Representatives thus chosen shall meet at New Delhi as soon as possible.

(*iv*) A primary meeting will be held at which the general order of business will be decided, a chairman and other officers elected and an Advisory Committee (see paragraph 20 below) on rights of citizens, Minorities and Tribal and Excluded Areas set up. Thereafter the Provincial representatives will divide up into three Sections shown under A, B and C in the Table of Representation in sub-paragraph (*i*) of this paragraph.

(*v*) These Sections shall proceed to settle Provincial Constitutions for the Provinces included in each Section and shall also decide whether any group constitution shall be set up for those Provinces and if so with what Provincial subjects the group should deal. Provinces should have power to opt out of groups in accordance with the provisions of sub-clause (*viii*) below.

(*vi*) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

(*vii*) In the union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which if any, resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(*viii*) As soon as the new constitutional arrangements have come into operation it shall be open to any Province to elect to come out of any group in which it has been placed. Such a decision shall be taken by the Legislature of the Province after the first general election under the new Constitution.

20. The Advisory Committee on the rights of citizens, Minorities and Tribal and Excluded Areas will contain due representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting Minorities, and a scheme for the administration of Tribal and Excluded Areas, and to advise whether these rights should be incorporated in the Provincial, the group or the Union Constitutions.

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a negotiating committee.

It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an Interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy tasks of day-to-day administration, there is the grave danger of famine to be countered, there are decisions to be taken in many matters of post-war development which will have a far reaching effect on India's future and there are important international conferences in which India has to be represented. For all these purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end and hopes soon to form an Interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of people. The British Government, recognizing the significance of the changes, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India, who now have the opportunity of complete independence, we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new Constitution under which they will live. Despite the labours which we have shared with the Indian parties and the exercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognize with us that, at this supreme moment in Indian history,

statesmanship demands mutual accommodation and we ask you to consider the alternative to the acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that, in our view, there is small hope of a peaceful settlement by the agreement of the Indian parties alone. The alternative would, therefore, be a grave danger of violence, chaos and even civil war. The gravity and duration of such a disturbance cannot be foreseeen, but it is certain that it would be a terrible disaster for many millions of men, women and children This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen and the world as a whole. We, therefore, lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interest of the whole 400 millions of Indian people.

We hope that the new indepenpent India may choose to be a member of the British Commonwealth. We hope, in any event, that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be, we look forward with you to your ever-increasing prosperity among the greatest nations of the world and to a future even more glorious than your past.

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*Press Statement of Sir Stafford Cripps, 16 May 1946**

The form in which we propose that the constitution-making bodies should be assembled is important for this reason. It permits of arriving at Constitutions in the recommended form. It goes a little further than that in one respect. As we believe and hope that the two parties will come into the constitution-making on the basis of our recommendation, it would not be fair to either of them if the fundamental basis which we recommend could be easily departed from. So we stipulate that a departure from that basis which is laid down in paragraph 15 of the statement should only be made if majority of both communities agree to it. That I think is eminently fair to both parties. I do not mean that no departure can be made from the recommendations, but it does mean that the special provisions I have mentioned will apply to such resolutions in the Constituent Assembly of the Union. This is one special provision as to particular majorities, the only other is in relation to matters raising any major communal

Quoted in Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents of the Indian Constitution*, 1921-47, Vol. II, pp. 585-586.

issue when a similar rule will apply. All the rest is left to the free play of discussion and vote.

The question, I am sure, will occur to all of you and that is why we have named the three sections of Provinces into which the Assembly will break up to formulate the Provincial and group Constitutions.

There was a very good reason for this. First of all, of course, somehow or other those groups had to be formed before they could proceed to their business. There were two ways of dealing with that matter. Either let the present Provincial Governments opt themselves into groups or—after seeing the Constitutions produced—let the new Governments after the whole constitution-making is complete opt themselves out if they wish.

We have chosen the second alternative for two reasons. First because it follows the suggestion Congress put forward as regards the Provinces and a single Federation. They suggested that all the Provinces should come in at the beginning but could opt out if they did not like the Constitution when they had seen it. We think that this principle should apply to the groups. Secondly, the present Legislatures are not truly representative of the whole population because of the effect of the Communal Award with its weightages.

We have tried to get a scheme as near as possible to the full adult suffrage which would be fairest but which would take probably two years to work out—and no one believes that we could wait that length of time before starting on constitution-making. So we discard the present Legislatures as decisive for the option and say : let it be exercised when the first new elections have taken place, when no doubt there will be a much fuller franchise and when, if necessary, the precise issue can be raised at the election. So the three sections will formulate the provincial and group constitutions and when that is done they work together with the States representatives to make the Union Constitution. This is the final phase.

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*Mr. M.A. Jinnah's Statement on the Cabinet Mission Plan, 22 May, 1946**

And now what recommendations have they made to effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in paragraph 12 of the statement.

I shall now deal with some of the important points in the operative part of the statement :

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*Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents on the Indian Constitution*, Vol. II, p. 587-588.

(1) They have divided Pakistan into two—what they call Section B (for the North-Western Zone) and Section C (for the North-Eastern Zone).

(2) Instead of two constitution making bodies only one constitution-making body is devised with three Sections A, B and C.

(3) They lay down that : 'There should be a Union of India, embracing both British India and the States, which should deal with the following subjects : Foreign Affairs, Defence and Communications ; and should have the powers necessasy to raise the finances for the above subjects.'

There is no indication at all that the Communications would be restricted to what is necessary for Defence nor is there any indication as to how this Union will be empowered to raise finances required for these three subjects, while our view was that finances should be raised only by contribution and not by taxation.

(4) It is laid down that : 'The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.'

While our view was :

(*a*) that there should be no Legislature for the Union, but the question should be left to the Constituent Assembly to decide ;

(*b*) that there should be parity of representation between the Pakistan Group and the Hindustan Group in the Union Executive and Legislature, if any ; and

(*c*) that no decision, legislative, executive or administrative, should be taken by the Union in regard to any matter of a controversial nature, except by a majority of three-fourths ; all these three terms of our offer have been omitted from the statement.

No doubt there is one safeguard for the conduct of business in the Union Legislature that 'any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.'

Even this is vague and ineffective. To begin with, who will decide and how as to what is a major communal issue and what is a minor communal issue and what is a purely non-communal issue ?

(5) Our proposal that the Pakistan group should have a right to secede from the Union after an initial period of ten years, although

the Congress had no serious objection to it, has been omitted and now we are only limited to a reconsideration of terms of the Union Constitution after an initial period of ten years.

(6) Coming to the constitution-making machinery, here again, a representative of British Baluchistan is included in Section B, but how he will be elected is not indicated.

(7) With regard to the constitution-making body for the purpose of framing the proposed Union Constitution, it will have an overwhelming Hindu majority as in a House of 292 for British India the Muslim strength will be 79, and, if the number allotted to Indian States (93) is taken into account, it is quite obvious that the Muslim proportion will be further reduced as the bulk of the States representatives would be Hindus. This Assembly so constituted will elect the Chairman and other officers and it seems also the members of the Advisory Committee referred to in paragraph 20 of the statement, by a majority and the same rule will apply also to other normal business. But I note, that there is only one saving clause which runs as follows :

'In the Union Constituent Assemly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide, which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of either of the major communities, consult the Federal Court before giving his decision.'

It follows, therefore, that it will be the Chairman alone who will decide. He will not be bound by the opinion of the Federal Court nor need anybody know what that opinion was as the Chairman is merely directed to consult the Federal Court.

(8) With regard to the Provinces opting out of their Group, it is left to the new Legislature of the Province after the first general election under the new Constitution to decide, instead of a referendum of the people as was suggested by us.

(9) As for paragraph 20 which runs as follows : 'The Advisory Committee on the rights of citizens, Minorities and Tribal and Excluded Areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of Minorities and a scheme for the administration of the Tribal and Excluded Areas and to advise whether these rights should be incorporated in the Provincial groups or Union Constitution.'

This raises a very serious question indeed, for if it is left to the Union Constituent Assembly to decide these matters by a majority vote, whether any of the recommendations of the Advisory Committee should be incorporated in the Union Constitution, then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

These are some of the main points which I have tried to put before the public after studying this important document. I do not wish to anticipate the decision of the Working Committee and the Council of the All-India Muslim League, which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the 'pros and cons' and a thorough and dispassionate examination of statement of the British Cabinet Delegation and His Excellency the Viceroy.

* * * *

*League Memorandum, May 12, 1946.**

"Principles to be agreed to as our offer :

1. The six Muslim Provinces (Punjab, N.-W. F. P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one Group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence; which may be dealt with by the constitution-making bodies of the two Groups of Provinces—Muslim provinces (hereafter named Pakistan Group) and Hindu provinces—sitting together.

2. There shall be a separate constitution-making body for the six Muslim provinces named above, which will frame constitutions for the Group and the provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the provinces.

3. The method of election of the representatives to the constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each province of the Pakistan Group.

4. After the constitutions of the Pakistan Federal Government and the provinces are finally framed by the constitution-making body, it will be open to any province of the Group to decide to opt out of its Group, provided the wishes of the people of that province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the joint constitution-making body as to whether the Union will have a Legislature or not.

**Quoted in* Banerjee, A.C. *The Making of the Indian Constitution*, 1939-1947, Vol. I, pp. 132-137.

The method of providing the Union with finance should also be left for the decision of the joint meeting of the two constitution-making bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of provinces in the Union Executive and the Legislature, if any.

7. No major point in the constitution which affects the communal issue shall be deemed to be passed in the joint constitution-making body, unless the majority of the members of the constitution-making body of the Hindu provinces and the majority of the members of the constitution-making body of the Pakistan Group, present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths.

9. In Group and provincial constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

10. The constitution of the Union shall contain a provision whereby any province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned herein are interdependent."

* * * *

Congress Suggestions, May 12, 1946.

"1. The Constituent Assembly to be formed as follows :—

(*i*) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number so elected should be one-fifth of number of members of the Assembly and they may be members of the Assembly or others.

(*ii*) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.

2. The Constituent Assembly shall draw up a constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning as well as such other subjects as, on closer scrutiny, may be found

to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenues in its own right The Union must also have power to take remedial action in cases of breakdown of the Constitution and in grave public emergencies

3. All the remaining powers will vest in the provinces or units.

4. Groups of provinces may be formed and such Groups may determine the provincial subjects which they desire to take in common.

5. After the Constituent Assembly has decided the Constitution for the All-India Federal Union as laid down in paragraph two above, the respresentatives of the provinces may form Groups to decide the provincial Constitutions for their Group and, if they wish, a Group Constitution.

6. No major point in the All-India Federal Constitution which affects the communal issue shall be passed by the Constituent Assembly unless a majority of the members of the community or communities connected present in the Assembly and voting are separately in its favour provided that in case there is no agreement on any such issue it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution making the specific issue shall be referred to arbitration.

8. The constitution should provide machinery for its revision at any time subject to such checks as may be devised. If so desired, it may be specifically stated that this whole constitution may be reconsidered after ten years."

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Congress Note on League Suggestions, May 12, 1946.

"The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From consideration of this note and the Muslim League's proposals the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below:

(1) We suggest that the proper procedure is for one constitution-making body or one Constituent Assembly to meet for the whole of India and later for Groups to be formed if so desired by the provinces concerned. The matter should be left to the provinces and

if they wish to function as a Group they are at liberty to do so and to frame their own constitution for the purpose.

In any event Assam has obviously no place in the Group mentioned, and the North-West Frontier Province, as the election shows, is not in favour of this proposal.

(2) We have agreed to residuary powers, apart from the Central subjects, vesting in the provinces. They can make such use of them as they like and, as has been stated above, function as a Group. What the ultimate nature of such a Group may be cannot be determined at this stage and should be left to the representatives of the provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in proportion to their present representation in the Legislatures. If the population proportion is taken, we have no particular objection, but this would lead to difficulties in all the provinces where there is weightage in favour of certain communities. The principle approved of would necessarily apply to all the provinces.

(4) There is no necessity for opting out of a province from its Group as the previous consent of the provinces is necessary for joining the Group.

(5) We consider it essential that the Federal Union should have a legislature. We also consider it essential that the Union should have power to raise its own revenue.

(6 and 7). We are entirely opposed to parity of representation as between Groups of provinces in the Union executive or legislature. We think that the provision to the effect that no major communal issue in the Union constitution shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard of all minorities. We have suggested something wider and including all communities than has been proposed elsewhere. This may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

(8) This proposal is so sweeping in its nature that no Government or legislature can function at all. Once we have safeguarded major communal issues other matters, whether controversial or not, require no safeguard. This will simply mean safeguarding vested

interests of all kinds and preventing progress, or indeed any movement in any direction. We, therefore, entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of fundamental rights and safeguards concerning religion, culture and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union constitution. There should be uniformity in regard to these fundamental rights all over India.

(10) The constitution of the Union will inevitably contain provisions for its full reconsideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea."

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Lord Pethick-Lawrence's Broadcast, New Delhi, May 16, 1946.

"The words which I shall speak to you are concerned with the future of a great people—the people of India. There is a passionate desire in the hearts of Indians expressed by the leaders of all their political parties for independence. His Majesty's Government and the British people as a whole are fully ready to accord this independence whether within or without the British Commonwealth and hope that out of it will spring a lasting and friendly association between our two peoples on a footing of complete equality.

Nearly two months ago I, as Secretary of State for India, and my two Cabinet colleagues, Sir Stafford Cripps and Mr. Alexander, were sent out by His Majesty's Government to India to assist the Viceroy in setting up in India the machinery by which Indians can devise their own constitution. We were at once confronted with a major obstacle. The two principal parties—the Muslim League who won the great majority of the Muslim seats in the recent elections, and the Congress who won the majority of all the others—were opposed to one another as to the kind of machinery to be set up. The Muslim League claimed that British India should be divided into two completely separate sovereign States, and refused to take part in constitution-making unless this claim was conceded in advance. Congress insisted on one single united India.

During our stay in India we have tried by every means to secure such an accommodation between the parties as would enable constitution-making to proceed. Recently we were able to bring them together at Simla in a conference with ourselves, but though both sides were prepared to make substantial concessions, it was not found possible to reach complete agreement. We have, therefore,

been compelled ourselves to seek for a solution which by securing the main objects of both parties will enable a constitution-making machinery to be brought into immediate operation.

While we recognise the reality of the fear of the Muslim League that in a purely Unitary India their community with its own culture and a way of life might become submerged in a majority Hindu rule, we do not accept the setting up of a separate Muslim sovereign State as a solution of the communal problem. "Pakistan", as the Muslim League would call their State, would not consist solely of Muslims ; it would contain a substantial minority of other communities which would average over 40 per cent. and in certain wide areas would even constitute a majority, as for instance in the City of Calcutta where the Muslims form less than one-third of the population. Moreover, the complete separation of Pakistan from the rest of India would, in our view, gravely endanger the defence of the whole country by splitting the army into two and by preventing that defence in depth which is essential in modern war. We, therefore, do not suggest the adoption of this proposal.

Our own recommendations contemplate a constitution of three tiers at the top of which would be the Union of India with an Executive and Legislature empowered to deal with the essential subjects of External Affairs, Defence and Communications and the finance necessary for these services. At the bottom would be the Provinces which would have, apart from the subjects I have just named, complete autonomy. But we contemplate further that Provinces will wish to unite together in Groups to carry out in common services covering a wider area than that of a single province, and these Groups may have, if they wish, legislatures and executives which in that event will be intermediate between those of the provinces and those of the Union.

On this basis, which makes it possible for the Muslims to secure the advantages of a Pakistan without incurring the dangers inherent in the division of India, we invite Indians of all parties to take part in framing a constitution. The Viceroy will, accordingly, summon to New Delhi representatives of British India who will be elected by the members of the provincial legislatures in such a way that as nearly as possible for each one million of the population there will be one representative, and that the proportion between the representatives of the main communities will be on the same basis.

After a preliminary meeting in common, these representatives of the provinces will divide themselves up into three sections the composition of which is laid down and which, if the provinces ultimately agree, will become the three Groups. These sections will

decide upon provincial and Group matters. Subsequently they will re-unite to decide upon the constitution for the Union. After the first elections under the new constitution provinces will be free to opt out of the Group into which they have been provisionally placed.

We appreciate that this machinery does not of itself give any effective representation to other than the principal minorities and we are, therefore, providing for a special committee to be set up, in which the minorities will play a full part. The business of this committee will be to formulate fundamental and minority rights and to recommend their inclusion in the constitution at the appropriate level.

So far I have said nothing about the Indian States which comprise a third of the area of India and contain about one quarter of the whole population. These States at present are each separately governed and have individual relationships with the British Crown. There is general recognition that when British India attains independence the position of these States cannot remain unaffected, and it is anticipated that they will wish to take part in the constitution-making process and be represented in the All-India Union. It does not, however, lie within our province to decide these matters in advance as they will have to be the subject of negotiation with the States before action can be taken.

During the making of the constitution, the administration must be carried on and we attach, therefore, the greatest importance to the setting up at once of an Interim Government having the support of the major political parties. The Viceroy has already started discussions to this end and he hopes to bring them shortly to a successful issue.

During the interim period the British Government, recognising the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

The essence of statecraft is to envisage the probable course of future events but no statesmen can be wise enough to frame a constitution which will adequately meet all the requirements of an unknown future. We may be confident, therefore, that the Indians on whom falls the responsibility of creating the initial constitution will give it a reasonable flexibility and will make provision for it to be revised and amended as required from time to time.

In this short talk you will not expect me to go into further details regarding our proposals which you can read in the statement

which has been released for publication this evening. But in conclusion I will repeat and emphasise what to me is the fundamental issue. The future of India and how that future is inaugurated are matters of vital importance not only to India herself but to the whole world. If a great new sovereign State can come into being in a spirit of mutual goodwill both within and without India, that of itself will be an outstanding contribution to world stability.

The Government and people of Britain are not only willing, they are anxious to play their full part in achieving this result. But the constitution for India has to be framed by Indians and worked by Indians when they have brought it into being. We appreciate to the full the difficulties which confront them in embarking on this task. We have done and we will continue to do all that lies in our power to help them to overcome these difficulties. But the responsibility and the opportunity is theirs and in their fulfilment of it we wish them God-speed."

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Extracts From Statement of Sir Stafford Cripps,
Press Conference, New Delhi
May 16, 1946.

"Let me remind you that this is not merely the Mission's statement, that is the statement of the four signatories, but is the statement of His Majesty's Government in the United Kingdom. Now the statement does not purport to set out a new constitution for India. It is of no use asking us, "How do you propose to do this or that ?" The answer will be we don't propose to do anything as regards decision upon a constitution, that is not for us to decide.

What we have had to do is to lay down one or two broad principles of how the constitution might be constructed and recommend those as foundations to the Indian people. You will notice we use the word "recommend" with regard to the ultimate constitutional forms with which we deal.

You may quite fairly ask : "But why do you recommend anything ? Why not leave it to the Indians ?" The answer is that we are most anxious to get all Indians into some constitution-making machinery as quickly as possible and the block at present is in this matter. We are, therefore, by this means trying to remove the block so that the constitution making may start and progress freely and rapidly. We hope very earnestly that will be the effect. Now that it has been finally and absolutely decided that India is to have the complete independence she desires, whether within or without the British Commonwealth as she chooses, we are anxious that

she shall have it as soon as possible and the soonest when there is a new constitutional structure decided upon by the Indian people.

But of course we cannot just stand by and wait till that time comes. It is bound to take some time to reach that point of completion of the new constitutional structure.

So, as you know, the Viceroy, in whose province Government-making primarily lies, has already started his talks with a view to the immediate setting up of a representative Indian Government. We hope that with the other issues out of the way on the basis of our statement he will be able very rapidly to get that new Government representative of the main parties set up and in operation.

* * * *

It has been decided to make a start with the constitution-making right away. This does not mean a decision as to what the constitution shall finally be, that is for decision by the representatives of the Indian people. What it does mean is that the deadlock which has prevented a start on the process of constitution-making is to be removed once and for all.

The form in which we propose that the constitution-making bodies should be assembled is important for this reason. It permits of arriving at constitutions in the recommended form. It goes a little further than that in one respect. As we believe and hope that the two parties will come into this constitution-making on the basis of our recommendations, it would not be fair to either of them if the fundamental basis which we recommend could be easily departed from. So we stipulate that a departure from that basis which is laid down in paragraph 15 of the statement should only be made if majority of both communities agree to it. That I think is eminently fair to both parties. It does not mean that no departure can be made from the recommendations, but it does mean that the special provisions I have mentioned will apply to such resolutions in the Constituent Assembly of the Union. That is one special provision as to particular majorities, the only other is in relation to matters raising any major communal issue when a similar rule will apply. All the rest is left to the free play of discussion and vote.

The question, I am sure, will occur to all of you and that is why have we named the three sections of provinces into which the Assembly will break up to formulate the provincial and Group constitutions.

There was a very good reason for this. First of all, of course, somehow or other those Groups had to be formed before they could proceed to their business. There were two ways of dealing with

that matter. Either let the present Provincial Governments opt themselves into Groups or—after seeing the constitutions produced—let the new Governments after the whole constitution-making is complete opt themselves out if they wish.

We have chosen the second alternative for two reasons. First, because it follows the suggestion Congress put forward as regards the provinces and a single federation. They suggested that all the provinces should come in at the beginning but could opt out if they did not like the constitution when they had seen it. We think that this principle should apply to the Groups. Secondly, the present legislatures are not truly representative of the whole population because of the effect of the Commuanal Award with its weightages.

We have tried to get a scheme as near as possible to the full adult suffrage which would be fairest but which would take probably two years to work out —and no one believes that we could wait that length of time before starting on constitution-making. So we discard the present legislatures as decisive for the option and say: let it be exercised when the first new elections have taken place, when no doubt there will be a much fuller franchise and when, if necessary, the precise issue can be raised at the election. So the three sections will formulate the provincial and Group constitutions and when that is done they work together with the States representatives to make the Union constitution. That is the final phase.

Now a word about the States. The statement in Paragraph 14 makes the position quite clear that Paramountcy cannot be continued after the new constitution comes into operation, nor can it be handed over to anyone else. It is not necessary for me to state—I am sure—that a contract or arrangement of this kind cannot be handed over to a third party without the consent of the States. They will, therefore, become wholly independent but they have expressed their wish to negotiate their way into the Union and that is a matter we leave to negotiation between the States and the British Indian parties.

There is one other important provision which I would like to stress as it is somewhat novel in constitution-making. We were met by the difficulty of how we could deal fairly with the smaller minorities, the tribal and the excluded areas. In any constitution-making body it would be quite impossible to give them a weightage which would secure for them any effective influence without gravely upsetting the balance between the major parties. To give them a tiny representation would be useless to them. So we decided that

minorities would be dealt with really in a double way. The major minorities, such as the Hindus in Muslim provinces, and the Muslims in Hindu provinces, the Sikhs in the Punjab and Depressed Classes who had considerable representation in a number of provinces would be dealt with by proportional representation in the main construction of the constitution-making bodies.

But in order to give these minorities and particularly the smaller minorities like the Indian Christians and the Anglo-Indians and also the tribal representatives a better opportunity of influencing minority provisions, we have made provision for the setting up by the constitution-making body of an influential Advisory Commission which will take the initiative in the preparation of the list of fundamental rights, the minority protection clauses and the proposals for the administration of tribal and excluded area. This Commission will make its recommendations to the constitution-making body and will also suggest at which stage or stages in the constitution these provisions should be inserted, that is whether in the Union, Group or provincial constitutions or in any two or more of them".

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Statement by Mr. M. A. Jinnah on the Cabinet Mission Plan, 22 May, 1946

I regret that the Mission should have negatived the Muslim demand for the establishment of a complete sovereign state of Pakistan, which we still hold is the only solution of the constitutional problem of India and which alone can secure stable Governments and lead to the happiness and welfare not only of the two major communities, but of all the peoples of this sub-continent. It is all the more regrettable that the Mission should have thought fit to advance commonplace and exploded arguments against Pakistan and resorted to special pleadings couched in a deplorable language which is calculated to hurt the feelings of Muslim India. It seems that this was done by the Mission simply to appease and placate the Congress, because when they come to face the realities, they themselves have made the following pronouncement embodied in paragraph 5 of the statement which says :

'This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India ; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India

it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests.'

And again in paragraph 12: 'This decision does not, however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India in which the Hindus with their greatly superior numbers must be a dominating element."

And now what recommendations have they made to effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in Paragraph 19 of the statement ?

I shall now deal with some of the important points in the operative part of the statement :

(1) They have divided Pakistan into two : what they call Section B (for the North-Western Zone) and Section C (for the North-Eastern Zone).

(2) Instead of two constitution-making bodies only one constitution-making body is devised with three Sections A, B and C.

(3) They lay down that "there should be a Union of India embracing both British India and the States which should deal with the following subjects : Foreign Affairs, Defence and Communications and should have the powers necessary to raise the finances required for the above subjects."

There is no indication at all that the Communications would be restricted to what is necessary for Defence nor is there any indication as to how this Union will be empowered to raise finances required for these three subjects, while our view was that finances should be raised only by contribution and not by taxation.

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Resolution of the Working Committee of the Indian National Congress 24 May, 1946

The Working Committee has given careful consideration to the statement dated 16th May 1946, issued by the Delegation of the British Cabinet and the Viceroy on behalf of the British Government, as well as the correspondence relating to it that has passed between the Congress President and the members of the Delegation. They have examined it with every desire to find a way for a peaceful and co-operative transfer of power and the establishment of a free and independent India. Such an India must necessarily have a strong central authority capable of representing the nation with power and dignity in the counsels of the world. In considering the statement, the Working Committee have kept in view the picture of the future

in so far as this was available to them from the proposals made for the formation of a Provisional Government and the clarification given by the members of the Delegation. This picture is still incomplete and vague. It is only on the basis of the full picture that they can judge and come to a decision as to how far this is in conformit with the objectives they aim at. These objectives are : independence for India ; a strong, though limited, central authority, full autonomy for the Provinces ; the establishment of a democratic structure in the Centre and in the units ; the guarantee of the fundamental rights of each individual so that he may have full and equal opportunities of growth, and further that each community should have opportunity to live the life of its choice within the larger framework.

The Committee regret to find a divergence between these objectives and the various proposals that have been made on behalf of the British Government, and, in particular, there is no vital change envisaged during the interim period when the Provisional Government will function, in spite of the assurance given in paragraph 23 of the statement. If the independence of India is aimed at, then the functioning of the Provisional Government must approximate closely in fact, even though not in law, to that independence, and all obstructions and hindrances to it should be removed. The continued presence of a foreign army of occupatior is a negation of independence.

The statement issued by the Cabinet Delegation and the Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly, which is sovereign in so far as the framing of the Constitution is concerned. The Committee do not agree with some of these recommendations. In their view it will be open to the Constituent Assembly itself at any stage to make changes and variations, with the proviso that in regard to certain major communal matters a majority decision of both the major communities will be neeessary.

The procedure for the election of the Constituent Assembly is based on representation in the ratio of one to a million. But the application of this principle appears to have been overlooked in the case of European members of Assemblies, particularly in Assam and Bengal. Therefore, the Committee expect that this oversight will be corrected.

The Constituent Assembly is meant to be a fully elected body, chosen by the elected members of the Provincial Legislatures. In Baluchistan, there is no elected assembly or any other kind of chamber which might elect a representative for the Constituent

Assembly. It would be improper for any kind of nominated individual to speak for the whole Province of Baluchistan, which he really does not represent in any way.

In Coorg, the Legislative Council contains some nominated members as well as Europeans elected from a special constituency of less than a hundred electors. Only the elected members from the general constituencies should participate in the election.

The statement of the Cabinet Delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the Provinces. It is further said that Provinces should be free to form groups Subsequently, however, it is recommended that provincial representatives will divide up into Sections which 'shall proceed to settle the provincial constitutions for the Provinces in each Section and shall also decide whether any group Constitution shall be set up for those Provinces.' There is a marked discrepancy in these two separate provisions and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy. In order to retain the recommendatory character of the statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective Provinces will make their choice whether or not to belong to the Section in which they are placed. Thus the Constituent Assembly must be considered as a sovereign body with final authority for the purpose of drawing up a Constitution and giving effect to it.

The provisions in the statement in regard to the Indian States are vague and much has been left for future decision. The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements and the manner of appointing State representatives for the Constituent Assembly must approximate, in so far as it is possible, to the method adopted in the Provinces. The Committee are gravely concerned to learn that even at this present moment some State Governments are attempting to crush the spirit of their people with the help of the armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State Governments and of those who exercise paramountcy.

A Provisional National Government must have a new basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage.

The Governor-General may continue as the head of that Government during the interim period, but the Government should function as a Cabinet responsible to the Central Legislature. The status, powers and composition of the Provisional Government should be fully defined in order to enable the Committee to come to decision. Major communal issues shall be decided in the manner referred to above in order to remove any possible fear or suspicion from the minds of a minority.

The Working Committee consider that the connected problems involved in the establishment of a Provisional Government and a Constituent Assembly should be viewed together so that they may appear as parts of the same picture and there may be co-ordination between the two, as well as an acceptance of the independence that is now recognized as India's right and due. It is only with the conviction that they are engaged in building up a free, great and independent India, that the Working Committee can approach this task and invite the co-operation of all the people of India. In the absence of a full picture, the Committee are unable to give a final opinion at this stage.

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Statement by the Cabinet Mission, 25 May 1946

The Delegation have considered the statement of the President of the Muslim League dated 22nd May and the resolution dated 24th May of the Working Committee of the Congress.

(2) The position is that since the Indian leaders, after prolonged discussions, failed to arrive at an agreement the Delegation put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

(3) The Delegation wish also to refer briefly to a few points that have been raised in the statement and resolution.

(4) The authority and the functions of the Constituent Assembly, and the procedure which it is intended to follow are clear from the Cabinet Delegation's statement. Once the Constituent Assembly is formed and working on this basis there is no intention of interfering with its discretion or questioning its decisions. When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such actions as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the statement and which we believe are not controversial, namely, adequate provision for the protection of the Minorities (paragraph 20 of the

statement) and willingness to conclude a treaty with His Majesty's Government to cover matters arising out of the transfer of power (paragraph 22 of the statement).

(5) It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly. When the right so given will be exercised is a matter for them to decide.

(6) The representative of Baluchistan will be elected in a joint meeting of the Shahi Jirga and the non-official Members of the Quetta Municipality.

(7) In Coorg the whole Legislative Council will have the right to vote, but the official Members will receive instructions not to take part in the election.

(8) The interpretation put by the Congress resolution on paragraph 15 of the statement, to the effect that the Provinces can in the first instance make the choice whether or not to belong to the Section in which they are placed, does not accord with the Delegation's intentions. The reasons for the grouping of the Provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of the groups after the constitution-making has been completed will be exercised by the people themselves, since at the first election under the new Provincial Constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

(9) The question of how the State representatives should be appointed to the Constituent Assemby is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

(10) It is agreed that the Interim Government will have a new basis. That basis is that all portfolios including that of the War Member will be held by Indians and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India, and a long step towards independence. His Majesty's Government will recognize the effect of these changes, will attach the fullest weight to them, and will give to the Indian Government the greatest possible freedom in the exercise of the day-to day administration of India.

(11) As the Congress statement recognizes, the present Constitution must continue during the interim period ; and the Interim Government cannot therefore be made legally responsible to the Central Legislature. There is, however, nothing to prevent

the members of the Government, individually or by common consent, from resigning, if they fail to pass an important measure through the Legislature, or if a vote of non-confidence is passed against them.

(12) There is, of course, no intention of retaining British troops in India against the wish of an independent India under the new Constitution ; but during the interim period, which it is hoped will be short, the British Parliament has, under the present Constitution, the ultimate responsibility for the security of India and it is necessary, therefore, that British troops should remain.

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Mahatma Gandhi on Cabinet Mission Declaration, May 26, 1946.

("After four days of searching examination of the State paper issued by the Cabinet Mission and the Viceroy on behalf of the British Government my conviction abides that it is the best document the British Government could have produced in the circumstances") says Mahatma Gandhi under the caption "An Analysis" in to-day's "Harijan".....

Mahatma Gandhi adds : "It reflects our weakness, if we, would be good enough to see it. The Congress and Muslim League did not and could not agree. (We would grievously err, if at this time we foolishly satisfy ourselves, that the differences are a British creation. The Mission have not come all the way from England to exploit them. They have come to devise the easiest and quickest method of ending British rule. We must be brave enough to believe their declaration until the contrary is proved. Bravery thrives upon the deceit of the deceiver.)

(My compliment however does not mean that what is best from the British standpoint is also best or even good from the Indian. Their best may possibly be harmful. My meaning will, I hope, be clear from what follows.)

(The authors of the document have endeavoured to say fully what they mean. They have gathered from their talks the minimum they thought would bring the parties together for framing India's charter of freedom. Their one purpose is to end British rule as early as may be. They would, if they could, by their effort, have a united India not torn asunder by internecine quarrel bordering on civil war. They would leave in any case.)

Since in Simla the two parties, though the Mission succeeded in bringing them together at the conference table (with what patience and skill they could do so they alone could tell), could not come to an agreement, nothing daunted them. They descended to the plains of India and devised a worthy document for the purpose of setting

up the Constituent Assembly which should frame India's charter of independence free of any British control or influence. It is an appeal and an advice. It has no compulsion in it. Thus the provincial assemblies may or may not elect the delegates. The delegates having been elected may or may not join the Constituent Assembly.

The Assembly having met may lay down a procedure different from the one laid down in the statement. Whatever is binding on any person or party arises out of necessity of the situation. The separated voting is binding on both the major parties only because it is necessary for the existence of the Assembly and in no other wise. At the time of writing I took up the statement, re-read it clause by clause and came to the conclusion that there was nothing in it binding in law. Honour and necessity alone are the two binding forces. What is binding is that part of it which commits the British Government. When I suppose the 4 members of the British Mission took the precaution, receiving full approval of the British Government and the two Houses of Parliament, the Mission are entitled to warm congratulations for the first step in the act of renunciation which the statement is. Since other steps are necessary for full renunciation I have called this one a promissory note.

Though the response to be made by India is to be voluntary, the authors have naturally assumed that the Indian parties are well organised and responsible bodies capable of doing voluntary acts as fully as, if not more fully than, compulsory acts. Therefore when Lord Pethick-Lawrence said to a press conference, "if they do come together on that basis it will mean that they will have accepted that basis but they can still change it, if by a majority of each party they desire to do so," he was right in the sense that those who became delegates well knowing the contents of the statement were expected by authors to abide by the basis unless it was duly altered by the major parties. When two or more rival parties meet together they do so under some understanding. A self-chosen umpire (in the absence of one chosen by the parties the authors constitute themselves one) fancies that the parties will come together only if he presents them with a proposal containing a certain minimum and he makes his proposal, leaving them free to add, to subtract from or altogether change it by joint agreement.

This is perfect so far. But what about the units ? Are the Sikhs for whom the Punjab is the only home in India, to consider themselves against their will as part of the section which takes in Sind, Baluchistan and the Frontier Province ? Or is the Frontier Province also against its will to belong to the Punjab called "B" in the statement, or Assam to "C" although it is a predominantly non-Muslim

province ? In my opinion the voluntary character of the statement demands that the liberty of individual Units should be unimpaired. Any member of the Section is free to join it. Freedom to opt out is an additional safeguard. It can never be a substitute for the freedom retained in para 15 which reads :

"Provinces should be free to form Groups with executives and legislatures and each Group could determine the provincial subjects to be taken in common." It is clear that this freedom was not taken away by the authors by Section 19 which 'proposes' (does not order) what should be done. It presupposes that the Chairman of the Constituent Assembly at its first meeting will ask the delegates of the provinces whether they would accept the Group principle, and if they do, whether they will accept the assignment given to their province. This freedom, inherent in every province, and that given by 15 (5) will remain intact.

There appears to me no other way of avoiding the apparent conflict between the two paragraphs as also the charge of compulsion which would immediately alter the noble character of the document. I would therefore ask all those who are perturbed by the Group proposal and the arbitrary assignment, that, if any interpretation is valid there is not the slightest cause for perturbation.

There are other things in the document which would puzzle any hasty reader who forgets that it is simply an appeal and an advice to the nation showing how to achieve independence in the shortest time possible. The reason is clear. In the new world that is to emerge out of the present chaos, India in bondage will cease to be 'the brightest jewel' in the British Crown. It will become the blackest spot in that Crown, so black that it will be fit only for the dustbin. Let me ask the reader to hope and pray with me that the British Crown has a better use for Britain and the world. The brightest jewel is an abrogation.

When the promissory note is fully honoured, the British Crown will have a unique jewel as of right flowing from due performance of duty.

There are other matters outside the statement which are required to back the promissory note. But I must defer that examination to the next issue of 'Harijan'."

* * * *

Mahatma Gandhi on the Cabinet Mission's Plan, June 2, 1946.

("Intrinsically and as legally interpreted, the State paper seems to me to be a brave and frank document. Nevertheless, the official interpretation would appear to be different from the popular. If it is so and prevails, it will be a bad omen,") says Mahatma Gandhi w rting under the caption "Vital Defects" in to-day's "Harijan".

Mahatma Gandhi adds :

("During the long course of the history of British rule in India the official interpretation has held sway, and, it has been enforced. I have not hesitated before now to say that the office of the law-giver judge and executioner is combined in one person in India. Is not the State document a departure from the imperialistic tradition ? I have answered 'yes'. Be that as it may, let us try to glance at the short-comings.)

The Delegation, after a brief spell in Simla, returned to Delhi on the 14th instant, issued their statement on the 16th and yet we are far from the popular Government at the Centre. One would have thought that they would have formed the Central Government before issuing the statement. But they issued the statement first and then set about the search for the formation of the Interim Government. It is taking a long time coming, whilst the millions are starving for want of food and clothing. This is defect No. 1.

Question of paramountcy is unsolved. It is not enough to say that paramountcy will end with the end of British rule in India. If it persists without check during the interim period, it will leave behind a difficult legacy for the independent Government. If it cannot be ended with the establishment of the Interim Government, it should be exercised in co-operation with it and purely for the benefit of the people of the States.

It is the people who want and are fighting for independence, not the Princes who are sustained by alien power even when they claim not to be its creation for the suppression of the liberties of the the people. The Princes, if they are true to their professions, should welcome this popular use of paramountcy so as to accommodate themselves to the sovereignty of the people envisaged under the new scheme This is defect No. 2.

Troops, it is declared, are to remain during the interim period for the preservation of internal peace and protection against external aggression. If they are kept for such use during the period of grace, their presence will act as a damper on the Constituent Assembly and is more likely then not to be wanted even after the establishment of independence so called. A nation that desires alien troops for its safety, internal or external, or has them imposed upon it, can never be described as independent in any sense of the term.

It is in effect a nation unfit for self-government. The acid test is that it should be able to stand alone, erect and unbending. During the interim period we must learn to hop unaided, if we are to walk when we are free. We must cease from now to be so spoon-fed.

That these things are not happening as we would wish, is to be accounted as our weakness, be the cause whatever they be, not the cussedness of the British Government or their people. Whatever we get, will be our deserts, not a gift from across the seas. The three Ministers have come to do what they have declared. It will be time to blame them when they go back upon the British declarations and devise ways and means of perpetuating British rule. Though there is ground for fear, there is no sign on the horizon that they have said one thing and meant another."

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*Mr. Jinnah's Speech, June 5, 1946**

The Muslim League Council opened this morning. Mr. M. A. Jinnah, the President, in a speech, explained that the Working Committee had discussed the pros and cons of the Cabinet Mission's proposals but thought that it should not anticipate the verdict of the Council which, he said, was the Parliament of the Muslim nation. The Working Committee had, therefore, decided that the Council having regard to the gravity of the situation should take the responsibility for whatever decision it might reach. Mr. Jinnah wanted every member of the Council to feel that he was free from embarrassment and was not tied down or fettered in any way which would prevent him from expressing his opinion from taking that final decision that the situation called for.

"The decision you have to take to-day or tomorrow is going to be of far-reaching importance and consequence." No doubt, he went on, the Working Committee could have followed the normal procedure on the analogy of a Cabinet. It could have, if it had chosen to do so come to a decision and formulated a resolution of its own after the two days' discussions it had had and it could have presented its decision to the Council for confirmation. But the Working Committee thought that this was an exceptional position of grave importance and, therefore, that was not the course for it to adopt. "If we had taken any decision and placed it before you and if you disapproved of it, there would have been no other course open to us except to resign and we thought that we should not create such a situation when the Council is meeting and when there is no urgency and no necessity for such a course."

Mr. Jinnah suggested that the whole Council should adjourn and form itself into a committee which would sit in camera and come to its decision.

Mr. Jinnah in his speech condemned the Cabinet Mission's

* *The following extracts indicate the substance of the speech delivered by Mr. Jinnah at the Muslim League Council meeting at New Delhi on June 5, 1946.*

treatment of the Pakistan demand and declared : "That is one of the greatest blunders they have made."

"Let me tell you that Muslim India will not rest content until we have established full, complete and sovereign Pakistan. (Loud cheers). The Cabinet Mission have mutilated facts for no other purpose except to please and appease the Congress. In fact, the foundation and the basis of Pakistan are there in their own statement." (Hear, hear).

The Congress press and Hindus, he added, felt jubilant at this "sugar-coated pill" but soon found there was so little sugar that it was a pill minus sugar. (Laughter).

Referring to the demand for Pakistan, Mr. Jinnah further said : "Let me tell you that Muslim India will not content until we have established full, complete and sovereign Pakistan (Loud cheers). And I repeat with all the emphasis that I can command that the arguments and the reasons and the way in which the Mission have mutilated the facts are for no other purpose except to please and appease the Congress". (Cries of 'Shame, shame').

Mr. Jinnah went on to refer to his recent remarks at a Muslim reception at Simla and the interpretation put on those remarks. These grave issues, he said, were not to be decided by word here or a phrase there or by mere sentiment or slogans. It had been reported that he said, "We cannot keep quarrelling all the time". The obtuse mentality of a section of the Press at once jumped to the conclusion : "Mr. Jinnah has come to his senses".

"I am glad I have come to my senses," Mr. Jinnah went on, "but I wish they will also come to their senses. (Laughter). Surely, it requires two parties for a quarrel but in this case there are three and even four parties, leaving smaller minorities. When I say we cannot keep quarrelling all the time, am I not addressing everyone of them, including ourselves ? I know and repeat this, that the Mussalmans have suffered, and suffered to an extent that I shudder to think of.

Six years ago the position of the Mussalmans was such that they could have been wiped off. In every department of life the Mussalmans have suffered and are suffering now. I want to say, put an end to this suffering and for us there is no other goal except the establishment of Pakistan (cheers). May be, obstacles will be put in our way but nothing is going to make us flinch or falter in any way or budge by a hair's breadth from doing everything in our power to reach our goal and establish Pakistan."

Mr. Jinnah added : "I repeat from this platform that delay

is not good either for the British Government or the Hindus. If they love freedom, if they love the independence of India, if they want to be free, then the sooner they realise the better that the quickest way is to agree to Pakistan. Either you agree or we shall have it in spite of you." (Hear, hear).

What methods they would adopt and what instruments they would use would depend upon the time and circumstances.

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Mr. Jinnah's Advice to the League Council :

"I advised you to reject the Cripps proposal, I advised you to reject the last Simla Conference formula. But I cannot advise you to reject the British Cabinet Mission's proposal. I advise you to accept it."

With these words, Mr. M. A. Jinnah wound up the long-drawn debate on the Cabinet Mission's proposal in the secret session of the Council of the All-India Muslim League. He spock for 1½ hours before the voting took place.

Mr. Jinnah added : "The Lahore resolution din not mean that when Muslims put forward their demand, it must be accepted at once. It is a big struggle and a continued struggle. The first struggle was to get the representative character of the League accepted. That fight they had started and they had won. Acceptance of the Mission's proposal was not the end of their struggle for Pakistan. They should continue their struggle till Pakistan was achieved."

Mr. Jinnah said, they could create a deadlock in the Constituent Assembly if anything was done against their wishes. They would continue to fight in the Constituent Assembly for their objective. They would also fight for the right of the Units or Groups to rejoin the Group from which they seceded.

As regards Grouping, Mr. Jinnah is reported to have expressed satisfaction and said : "The Groups should have power on all subjects except Defence, Communications and Foreign Affairs. But so far as Defence was concerned, it would remain in the hands of the British till the new constitution was enforced. So they need not worry about it now. They would fight in the Constituent Assembly to restrict 'Communications' to what was absolutely necessary for defence only."

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Resolution of the Muslim League Council June 6, 1946

"1. This meeting of the Council of the All-India Muslim League, after having carefully considered the statement issued by the Cabinet Mission and H. E. the Viceroy on May 16 and other relevant statements and documents officially issued in connection therewith, and of having examined the proposals set forth in the said

statement in all their bearings and implications places on record the following views for the guidance of the nation and direction to the Working Committee :

2. That the references made and the conclusions recorded in paragraphs 6, 7, 8, 9, 10 and 11 of the statement concerning Muslim demand for the establishment of a full sovereign Pakistan as the only solution of the Indian constitutional problem are unwarranted, unjustified and unconvincing and should not, therefore, have found place in a State document issued on behalf and with the authority of the British Government.

These paragraphs are couched in such language and contain such language and contain such mutilations of established facts that the Cabinet Mission have clearly been prompted to include them in their statement solely with the object of appeasing the Hindus in utter disregard of Muslim sentiments. Furthermore, the contents of the aforesaid paragraphs are in conflict and inconsistent with the admissions made by the Mission themselves in paragraphs 5 and 12 of their statement which are to the following effect :—

First, the Mission 'were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subject to a perpetual Hindu majority rule.'

Second, 'this feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards.'

Third, 'if there is to be internal peace in India, it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, economic or other interests.'

Fourth, 'very real Muslim apprehensions exist that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be the dominating element.'

In order that there may be no manner of doubt in any quarter, the Council of the All India Muslim League reiterates that the attainment of the goal of a complete sovereign Pakistan still remains the unalterable objective of the Muslims in India for the achievement of which they will, if necessary, employ every means in their power and consider no sacrifice or suffering too great.

3. That notwithstanding the affront offered to Muslim sentiments by a choice of injudicious words in the preamble to the statement of the Cabinet Mission, the Muslim League, having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution, if possible, of the Indian constitutional problem,

and inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the compulsory Grouping of the six Muslim provinces in sections B and C, is willing to co-operate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of complete sovereign Pakistan and in the consummation of the goal of independence for the major nations, Muslims and Hindus, and all the other people inhabiting the vast sub-continent.

It is for these reasons that the Muslim League is accepting the scheme and will join the constitution-making body and will keep in view the opportunity and the right of secession of provinces or Groups from the Union which have been provided in the Mission's plan by implication.

The ultimate attitude of the Muslim League will depend on the final outcome of the labours of the constitution-making body and on the shape of the constitutions which may emerge from the deliberations of that body jointly and separately in its three sections.

The Muslim League also reserves the right to modify and revise the policy and attitude set forth in this resolution at any time during the progress of deliberations of the constitution-making body or the Constituent Assembly or thereafter if the course of events so require, bearing in mind the fundamental principles and ideals hereinbefore adumbrated, to which the Muslim League is irrevocably committed.

4. That with regard to the arrangements for the proposed Interim Government at the Centre, this Council authorises its President to negotiate with H.E. the Viceroy and to take such decisions and actions as he deems fit and proper."

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Resolution of the All-India States Peoples Conference, June 10, 1946

The General Council of the All-India States Peoples Conference have considered the various statements made by the British Cabinet Delegation and the Viceroy in regard to the drawing up of the constitution for India. The Council have noted with surprise and regret that the representatives of the States people have been completely ignored by the Cabinet Delegation in their talks and consultations. No constitution for India can have any validity or effectiveness unless it applies to the 93 million people of the Indian States and no such constitution can be satisfactorily made without reference to the representatives of the people. The General Council, therefore, record their feeling of resentment at the way the people of the States

have been ignored and bypassed at this critical juncture of India's history.

In the statement issued by the Cabinet Delegation and the Viceroy on May 16 references to the States are brief and vague and no clear picture emerges as to how they will function in regard to the constitution-making processes. No reference has been made to the internal structure of the States. It is not possible to conceive of a combination of the existing internal structure, which is autocratic and feudal, with a democratic Constituent Assembly or a Federal Union.

The Council welcome, however, the statement that paramountcy will end when the new All-India constitution comes into effect. The end of paramountcy necessarily means the end of the treaties existing between the rulers of the States and the British Paramount Power. Even during the interim period the functioning of paramountcy should undergo a fundamental change so as to prepare for its total termination.

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Lord Wavell's Announcement, June 16, 1946

His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a Coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider, however, that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the very heavy and important business that has to be carried through.

The Viceroy is, therefore, issuing invitations to the following to serve as members of the Interim Government on the basis that the constitution-making will proceed in accordance with the statement of May 16 :—

Sardar Baldev Singh, Sir N. P. Engineer, Mr. Jagjivan Ram, Pandit Jawaharlal Nehru, Mr. M. A. Jinnah, Nawabzada Liaquat Ali Khan, Mr. H. K. Mahtab, Dr. John Matthai, Nawab Mohammad Ismail Khan, Khwaja Sir Nazimuddin, Sardar Abdur Rab Nishtar, Mr. C. Rajagopalachari, Dr. Rajendra Prasad, Sardar Vallabhbhai Patel.

If any of those invited is unable for personal reasons to accept, the Viceroy will, after consultation, invite some other person in his place.

The Viceroy will arrange the distribution of portfolios in consultation with leaders of the two major parties.

The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available Coalition Government.

The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the government of India may be carried on as efficiently as possible in the mean time.

They, therefore, hope that all parties, especially the two major parties, will accept this proposal so as to overcome the present obstacles, and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted the Viceroy will aim at inaugurating the new Government about the 26th June.

In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16.

The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the constitution-making machinery as put forward in the statement of May 16.

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Resolution of the All-India Committee of the Hindu Mahasabha on the Cabinet Mission Plan, 16 June 1946.

The All-India Committee of the Hindu Mahasabha notes that the fundamental principle of the Hindu Mahasabha, viz., the unity and integrity of India, has been accepted only in theory by the Cabinet Mission by their proposal for the formation of Indian Union and by their rejection of Pakistan. But the Committee regrets that in practice it is whittled down and the apprehension of the communal domination of the Muslim has been exaggerated and the apprehension of the minority in the Muslim majority areas has been totally ignored.

The Mahasabha has opposed Pakistan or the partition of India into two entire sovereign States not on sectional or communal

grounds but in the interests of India as a whole. The Central Government as envisaged in the Cabinet Mission's proposal will be too weak to put its full weight in the international world.

The Committee reiterates the demand for the formation of a strong Central Government to check and control the disruptive forces in the Indian body politic and to pool all national resources for effective planning in order to prevent the economic exploitation of the poor masses. World security is linked up with the building up and maintenance of a really free and prosperous India. The object can never be achieved with a truncated Centre and a hybrid Constitution based on artificial grouping of Provinces with residuary powers vested in them. These Provinces will then be in a position to put up tariff walls and to clog the progress of India in the social and economic fields. In order to make effective any large-scale economic and administrative planning and prevent the disintegration of India (after the withdrawal of British power from India) it is essential that the Centre should be strong enough and should be clothed with constitutional authority to deal effectively with Customs, Tariff, Currency, Banking and other subjects and should have authority to intervene in cases of Minority oppression or inter-provincial deadlock and to co-ordinate all-India resources to fight famine and pestilence emergency.

The Mahasabha cannot accept any Constitution which negatives in actual practice the salutary principle of India's integrity. It stands for an indissoluble Union of Provinces which may be reconstituted on cultural and linguistic basis. The dominant idea behind the Cabinet Mission's scheme is to appease the Muslim League to the detriment of all other Minorities.

The Mahasabha is opposed to a complicated machinery which seeks to set up a three-decker Constitution and which will place the Hindus of the Punjab, Bengal, Assam, Sind, the North-West Frontier Province as well as the entire Sikh community at the mercy of the Pakistanists and which will not provide any acceptable solution of the communal problem.

We oppose the proposal because the Hindu community as such has no existence in the political picture presented by the Mission and has been lumped together with others under the misleading category of 'General'.

The Working Committee demands that the artificial system of grouping and sub-federation should be withdrawn. The Constitution should be framed on the recognition of the principle of the sovereignty of the people. There should be one Constituent Assembly which will frame the Constitution for the Indian Union and also

for the constituent Provinces. We are opposed to introduction of the principle of regionalism based on communalism and to the grant of residuary powers to the Provinces. The Mahasabha is also opposed to the pernicious principle of parity in any shape or form.

The Committee appreciates that one of the principles for which the Hindu Mahasabha stood, viz. representation on the basis of population strength, has been recognized by the Cabinet Mission in the constitution of the Constituent Assembly which is based on the principle of one representative for one million people. But by allowing the European members of the Bengal and Assam Legislative Assembly to vote for the Constituent Assembly the quota of Hindu members to the Constituent Assembly from these Legislatures will be deprived of their legitimate right of representation according to their population.

The Hindu Mahasabha demands that the sovereign status of the Constituent Assembly should be recognized so that Indians may frame a Constitution for themselves. The minority must not be allowed to veto the progress of the majority or to retard the building up of a healthy, self-sufficient and prosperous India.

The Mahasabha demands that consistent with the principle of representation on the basis of population strength which has been recognized by the Cabinet Mission in the constitution of the Constituent Assembly the Interim Government must be based on the ratio of population,

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Resolution of the Working Committee of the Indian National Congress on the Cabinet Mission Plan, 25 June, 1946

On May 24, the Working Committee passed a resolution on the statement dated May 16 issued by the British Cabinet Delegation and the Viceroy. In this resolution, they pointed out some defects in the statement and gave their own interpretation of certain parts of it.

Since then, the Committee has been continuously engaged in giving earnest consideration to the proposals made on behalf of the British Government in the statements of May 16 and June 16, and have considered the correspondence in regard to them between the Congress President and Members of the Cabinet Delegation and the Viceroy. The Committee has examined both these sets of proposals from the point of view of the Congress objective of immediate independence and the opening out of avenues leading to the rapid advance of the masses economically and socially, so that their material standards may be raised and poverty, malnutrition, famine and lack of the necessaries in life may be ended, and all the people of the

country may have freedom and the opportunity to grow and develop according to their genius.

These proposals fall short of these objectives. Yet the Committee has considered them earnestly in all their aspects because of their desire to find some way for the peaceful settlement of India's problem and the ending of the conflict between India and England.

The kind of independence which Congress has aimed at is the establishment of a united democratic Indian Federation with a Central authority which would command respect from the nations of the world, maximum provincial autonomy, and equal rights for all men and women in the country. The limitation of the Central authority, as contained in the proposals, as well as the system of grouping of Provinces weakened the whole structure and was unfair to some Provinces, such as the North-West Frontier Province, and Assam, and to some of the Minorities, notably the Sikhs.

The Committee disapproved of this. They felt, however, taking the proposals as a whole, that there was sufficient scope for enlarging and strengthening the Central authority and for fully ensuring the right of a province to act according to its choice in regard to grouping, and to give protection to such Minorities as might otherwise be placed at a disadvantage. Certain other objections were also raised on their behalf, notably the possibility of non-nationals taking any part in the constitution-making. It is clear that it would be a breach both of the letter and the spirit of the statement of May 16 , if any non-Indian participated in voting or standing for election to the Constituent Assembly.

In the proposals for an Interim Government contained in the statement of June 16, the defects related to matters of vital concern to the Congress. Some of these have been pointed out in a letter of June 25, from the Congress President to the Viceroy. The Provisional Government must have power and authority and responsibility and should function, in fact if not in law, as a *de facto* independent Government leading to the full independence to come. The Members of such a Government can only hold themselves responsible to the people and not to any external authority. In the formation of a Provisional or other Government, Congressmen can never give up the national character of Congress or accept an artificial and unjust party, or agree to a veto of a communal group. The Committee are unable to accept the proposals for the formation of an Interim Government as contained in the statement of June 16.

The Committee have, however, decided that the Congress should join the proposed Constituent Assembly with a view to framing the Constitution of a free, united and democratic India.

While the Committee have agreed to Congress participation in the Constituent Assembly, it is, in their opinion, essential that a representative and responsible Provisional National Government be formed at the earliest possible date. The continuation of an authoritarian and unrepresentative Government can only add to the suffering of the famishing masses and increase discontent. It will also put in jeopardy the work of the Constituent Assembly, which can only function in a free environment.

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Resolution of the Working Committee of the All-India Muslim League on the Cabinet Mission Plan, 25 June 1946

The President of the All-India Muslim League placed before the Working Committee a copy, furnished to him by the Viceroy and the Cabinet Delegation in the course of their interview with him this evening, of the letter of the Congress President addressed to the Viceroy, conveying the decision of the Congress with regard to the proposals of the Cabinet Delegation and the Viceroy contained in their statement of the 16th May and the 16th June 1946.

1. According to the understanding that the Muslim League Working Committee will give their decision after the Congress has decided, and, as desired by the Viceroy by the letter of his Private Secretary dated 21st June addressed to the Honorary Secretary of the All-India Muslim League, Nawabzada Liaquat Ali Khan, that the decision of the Muslim League be communicated immediately after the reply of the Congress, the Working Committee of the All-India Muslim League hereby resolve to agree to join the Interim Government on the basis of the statement of the Cabinet Delegation and His Excellency the Viceroy dated 16th June, 1946, and the clarifications and assurances given by the Viceroy after consultation with the Cabinet Delegation in the letter dated 20th June, 1946, addressed to the President of the Muslim League.

2. The Working Committee cannot accept the contention of the Congress contained in the aforesaid letter that the Congress is entitled to adhere to its interpretation of some of the provisions in the statement of the Cabinet Delegation and His Excellency the Viceroy dated 16th May 1946, which is opposed to the interpretation and explanation embodied in the statement issued by the Cabinet Delegation and the Viceroy on 25th May, 1946.

3. With regard to the rest of the letter of the Congress President, the Working Committee reserve their observation for the present.

Statement by the Cabinet Mission containing the decision to form a Caretaker Government, 26 June, 1946

The Cabinet Mission and the Viceroy are glad that constitution-making can now proceed with the consent of the two major parties and of the States. They welcome the statements made to them by the leaders of the Congress and the Muslim League that it is their intention to try and work in the Constituent Assembly so as to make it a speedy and effective means of devising the new constitutional arrangements under which India can achieve her independence. They are sure that the members of the Constituent Assembly who are about to be elected will work in this spirit.

2. The Cabinet Mission and the Viceroy regret that it has not so far proved possible to form an Interim Coalition Government, but they are determined that the effort should be renewed in accordance with the terms of paragraph 8 of their statement of June 16th. Owing however, to the very heavy burden which has been cast upon the Viceroy and the representatives of the parties during the last three months, it is proposed that the further negotiations should be adjourned for a short interval during the time while the elections for Constituent Assembly will be taking place. It is hopped that when the discussions are resumed, the leaders of the two major parties who have all expressed their agreement with the Viceroy and the Cabinet Mission on the need for the speedy formation of a representative Interim Government will do their utmost to arrive at an accommodation upon the composition of that Government.

3. As the Government of India must be carried on until a new Interim Government can be formed, it is the intention of the Viceroy to set up a temporary Caretaker Government of officials.

4. It is not possible for the Cabinet Mission to remain longer in India as they must return to report to the British Cabinet and Parliament and also to resume their work from which they have been absent for over three months. They, therefore, propose to leave India on Saturday next, June 29th. In leaving India the members of the Cabinet Mission express their cordial thanks for all the courtesy and consideration which they have received as guests in the country and they most sincerely trust that the steps which have been initiated will lead to a speedy realization of the hopes and wishes of the Indian people.

*Mr. M.A. Jinnah's Statement, June 27, 1946.**

Thereafter, the Viceroy sent for me on June 13 and he suggested a formula of five, five three. Owing to the agitation set on foot

*Banerjee, A.C. *The Making of the Indian Constitution*, 1939-47, Vol. I., pp. 210-212.

by the Congress press and the opposition of the original formula, I had already given a warning to the Viceroy in a letter on June 8 that any departure from this formula, directly or indirectly would lead to serious consequences and would not secure the co-operation of the Muslim League, and that I might have to call a meeting of the Council of the All-India Muslim League again. At my interview with the Viceroy on the 13th, I was told by him that he wanted to change the basis of the original formula and proceed on the basis of five Congress, five Muslim League and three others *i.e.*, one Sikh, one Scheduled Caste and one Indian Christian or Anglo-Indian. In spite of the difficulties that I had pointed out would arise, I informed the Viceroy that if the Congress were finally to agree to this new formula I would place it before my Working Committee for their consideration. But even this second proposal of Viceroy was turned down by the Congress and His Excellency the Viceroy informed me by his letter dated June 15 that he had failed to negotiate an agreemant on the basis which he had suggested and that the Cabinet Delegation and he had decided to issue their statement on June 16 on the action they proposed to take. Accordingly, the statement of June 16 was issued to the Press and an advance copy was sent to me. These were, we were categorically informed, final and not open to any modification, except that the names in the statement could not be regarded as final, until the Viceroy had received acceptances from those invited to take office in the Interim Government.

On the 19th June I wrote to the Viceroy asking for certain clarifications regarding the statement of June 16 to which a reply was received from him on the 20th of June after he had consulted the Cabinet Delegation. The following extracts are from that letter of the Viceroy in reply to questions put to him.

(1) "Until I have received the acceptance of those invited to take office in the Interim Government, the names in the statement, cannot be regarded as final. No change is proposed to be made in the statement without the consent of the two major parties."

(2) "No change in the number of fourteen members of the Interim Government will be made without agreement of the two major parties."

(3) "If any vacancy occurs among the seats at present allotted to the representatives of the minorities, I shall naturally consult both the main parties before filling it."

(4) (*a*) and (*b*) "The proportion of the members by communities (word 'communities' underlined) will not be changed without agreement of the two major parties."

(5) "No decision on a major communal issue could be taken by the Interim Government if the majority of any of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point.".

I had by my letter of June 19 informed the Viceroy that in view of the serious changes which had from time to time been made to satisfy the Congress, it was not possible for the Working Committee to arrive at any decision in the matter of formation of Interim Government so long as the Congress did not convey their final decision on the proposals of June 16 to the Viceroy and until it was communicated to me.

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Statement by Mr. M.A. Jinnah, 27 June 1946.

I regret that the Cabinet Delegation and the Viceroy should have thought fit it to postpone indefinitely the formation of the Interim Government on the basis of their statement of 16th June, as that statement clearly says that the Viceroy aimed at inaugurating the Interim Government about 26th June. It is very difficult to see what are the mysterious reasons and causes for this sudden departure. The Muslim League emphatically disapproves of this action on the part of the Cabinet Delegation and the Viceroy, because all contingencies including rejection by the Congress, were contemplated by and provided for in the statement of 16th June, and Clause 8 of the statement, taken along with the context, is quite clear that the Delegation and the Viceroy were in honour bound to go ahead with the formation of the Interim Government immediately with those who were willing to come into the Interim Government on the basis and principles set out in their statement of 16th June.

As regards the resolution of the Congress, I must emphatically repudiate their bogus claim that they represent India and their claim to 'national' character. The Congress are a Hindu organization and they do not represent any other community except the Caste Hindus. They certainly do not represent the Muslims and the mere fact that they have a handful of Muslim henchmen for the purpose of window-dressing cannot give the national character which they claim, nor the right to represent India upon which they keep on harping. This has been established beyond doubt in the recent elections, the results of which show that the Muslim League carried away 90 per cent of the total of Muslim seats in the various Legislatures, and out of the remaining 10 per cent the Congress share does not amount to more than 4 per cent.

The Congress, therefore, have no right to represent or speak on behalf of the Muslims and their refusal to accept the proposals for the formation of the Interim Government is based on sinister motives. Firstly, they wanted to break the parity between the Muslims and the Caste Hindus. It was accepted by them at Simla last year at the conference called by the Viceroy in connexion with the Wavell Proposals. And, secondly, their insistence on nominating a Congress Muslim is aimed at striking at the fundamentals of the League and its Muslim national representative character, and at attempting to establish a false claim that the Congress represents the Muslims and the Muslim League is not the representative organization of Muslim India. As it is pointed out above, the Congress claim is not true nor based upon facts, and therefore the Muslim League cannot be a party directly or indirectly to any course of action which is calculated to prop up this bogus claim.

As regards the safeguard that no decision on any major communal issue could be taken if the majority of the main parties were opposed to it, of which assurance was given by the Viceroy, this is absolutely necessary to protect the Muslim interests as the number is now increased from 12 to 14, and although there is parity between the Caste Hindus and the Muslims the Muslims will be in a minority of little over one-third in the whole executive.

I gather from the letter of the President of the Congress that the Viceroy represented to him that in his proposal there was no parity either between Hindus and Muslims or between the Congress and the Muslim League inasmuch as there were to be six Hindus belonging to the Congress as against five Muslims belonging to the Muslim League. One of the six Hindus belonged to the Scheduled Castes. Whether this version is true or not, it is contrary to what the Viceroy said in his letter of 20th June to me which clarifies the points raised by me and in that he says : 'The proportion of members by communities will not be changed without the agreement of two major parties.' However, I want to make it clear that if there is any departure made in the principle of parity or if the Congress is allowed to nominate a Muslim, in either case it will be impossible for the Muslim League to agree to it as that would strike at the very fundamentals of the League.

Notwithstanding the clear statement of 16th May and the further statement of the Cabinet Delegation and the Viceroy of 25th May clarifying and finally giving their authoritative interpretation, the Congress, both in the letter of the President and their resolution, adhere to their wrong interpretation that any Province or Provinces is or are entitled to opt out initially, and that they

have a right at any stage to do so. This is clear indication that the Congress is not accepting the long-term proposals in a sincere and honest spirit of co-operation and peaceful settlement. If they persist in this and adopt measures to set at nought what is described by the statement of the Delegation of 25th May to constitute the essential feature of the scheme, the whole plan will be wrecked at its very inception.

Expert Committee For Constituent Assembly

"The Working Committee appointed the following Expert Committee for the purpose of preparing material for the Constituent Assembly :

1. Shri Jawaharlal Nehru (Chairman)
2. Shri Asaf Ali
3. Shri K.M. Munshi
4. Shri N. Gopalaswamy Iyengar.
5. Shri K.T, Shah
6. Shri D.V. Gadgil (of the Gokhale School of Politics and Economics)
7. Shri Humayun Kabir
8. Shri K. Santanam (of Delhi)

The Expert Committee met at Delhi on the 20th July, and subsequent days. It co-opted Shri Krishna Kripalani as a member and convener of the Committee."

W.C., July 5—8, 1946 : Bombay : III

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Speech of Mahatma Gandhi, July 7, 1946

"I have read many things in the newspapers about the recent Delhi negotiations. My advice to you is not to take these reports as gospel truth. The newspaper reports have very often been highly coloured. I do not, therefore, think that you will lose much if you do not read these reports.

I said in one of my speeches at Delhi that I saw darkness all round me. I told the Working Committee that as I could not see light I could not advise them. At the same time I made it clear to the Working Committee that I was not prepared to advise them to throw out or reject the British Delegation's proposals for summoning a Constituent Assembly. I asked the Working Committee to use their judgment and come to their own conclusions. Though I could not see light, I in my own mind favoured acceptance of the proposals but advised the Working Committee to come to their own decision independently of what I felt or said.

My mind to-day is dark as it was in Delhi. Therefore I will

give the same advice to Mr. Jaiprakash Narayan. I want you to accept or reject this resolution not because I ask you to accept it or Jaiprakash asks you to reject it or the Working Committee wants you to accept it but after giving full and careful thought to the proposition yourselves, I want you to exercise your own judgment and come to final decision of your own.

The proposed Constituent Assembly, I know, is not a free assembly. There are many defects in the scheme but since we have been fighting for the last so many years, why should we be afraid of the defects in the Constituent Assembly scheme ? We can fight the Constituent Assembly itself if we find the defects are unremediable. As true Satyagrahis and fighters, we have no right to be afraid of any hardships or difficulties in our way. I was therefore surprised when I heard Jaiprakash Narayan saying yesterday that it is dangerous and useless to go into the Constituent Assembly. Supposing we go into the Constituent Assembly and lose, why should we be afraid ? A true Satyagrahi never thinks in terms of losing. No one can defeat him. He can never be deceived or cheated by anyone.

As Satyagrahis we have no right to say that the British are dishonest. How can we say that ? There are good and bad people in all countries. We quarrelled among ourselves in the past and therefore the British who came as traders to this country established themselves as our rulers. We have been fighting them as our rulers, not because the British people are dishonest or bad, but because they have no right to rule over us. They have now told us that they are ready to quit. Our task now is to see how their quitting can be smooth and peaceful."

Mahatma Gandhi referred to the 1942 struggle and said that many things which did not form part of the Congress programme, such as underground activities, cutting of telegraph wires and removal of rails, happened. In doing these things the people showed great courage and bravery. But in his opinion this was a wrong way of showing bravery.

Mahatma Gandhi continued, "These things are not going to carry us any nearer our goal. If non-violence is abandoned, it will not take us any farther on our road to freedom. We have had violent revolutionary activities in the past, but they have not carried us any farther on our road. True non-violence alone can take us to our goal.

I agree there has been great awakening in this country. But I am, as a true Satyagrahi, anxious to prevent such awakening resulting in derailment of trains and other forms of violence. I am

anxious to utilise all the new awakening to speed our march to freedom. The time for rest and ease is not yet come. We have still to go through difficulties and put up with discomforts. I am sure we are still capable of going through difficulties and threfore I do not see any reason why we should be afraid of going into the Constituent Assembly.

I know that there are many defects in the Constituent Assembly scheme but then it is in your power to improve it or to bury it. The Constituent Assembly scheme looks like iron ore. We can convert it into pure gold by our efforts. Whatever loopholes there are can be remedied. My advice to you is to accept the scheme even in spite of its defects. For as Satyagrahis we have no reason to be afraid of anything. I feel that the scheme is capable of improvement and therefore my urge is in favour of its acceptance.

We have asked the British to quit India. This does not mean that we wish to ill-treat them. We want the British to quit honourably and smoothly. The Constituent Assembly proposal is to enable us to make the British quit India. I therefore feel that we should accept the Constituent Assembly scheme in spite of its defects, as we are competent to remedy the defects. I know it is a British sponsored scheme, but have not the British openly stated that they have done this with an open mind and without any reservation to enable Indians to frame their own constitution for a free and independent India ?"

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Speech of Pandit Nehru, July 7, 1946

Winding up the proceedings of the Committee Pandit Jawaharlal Nehru answered some of the criticisms of the opposition speakers.

He said : "We have been talking of independence for a long time. Different interpretations are given of what that independence means. The Viceroy and the Muslim League also speak of independence of India. But the Congress idea of independence is certainly different from that of what the Muslim League and the Viceroy think. Our idea of independence is that there must be absolutely no foreign domination in India and India may even break her connections with the British. We want to establish a Republic of India.

Achyut Patwardhan expressed surprise how foreign affairs could be carried on without foreign trade. The surprise was perfectly legitimate. Why should foreign affairs be carried on without foreign trade surprises me. It is astonishing as Maulana stated how inferences are drawn and conclusions are built upon them."

"There is no doubt", continued Pandit Nehru, "that in so far as the resolution which we discussed yesterday and to-day is concerned, a great deal can be said in favour or against. A great deal can be said about the difficulties and complications in which we may get caught. The whole question is ultimately of balancing and coming to a conclusion without loss.

It is obvious so far as I am concerned that foreign affairs include foreign trade. It is quite absurd to talk of foreign affairs without foreign trade, foreign economic policy and exchange, etc.

As regards defence and communications, obviously they include all manner of things connected with defence,—defence must include a large number of industries. Apart from foreign affairs, defence and communications, the Union Centre will have power to raise finance. This means the Union Centre will control certain revenue-producing subjects. I cannot say off-hand what these revenue-producing subjects will be. It is inevitable that a decision will have to be made as to what revenue-producing subjects will go to the Centre. Presumably, the obvious subjects are customs including tariffs and may be, income tax also.

Arguments have been advanced on the one side that this is a very satisfactory Constituent Assembly ; something that we have been asking and we have got it. On the other hand, it has been stated that this Constituent Assembly is a futile thing imposed upon us to which we should not attach much importance. If I am asked to give my own point of view, I would say it is not obviously something which we have desired and worked for. There are many difficulties and snags and the scales are weighed against us. On the other hand, it is obvious also that it is not so bad. What will be the outcome of this Assembly ? It may be that it does not function for long, it breaks up. It may be we may get something out of it and we go ahead ; it solves some of our problems. And we produce some kind of constitution which is desirable and workable. All these things are possible. But it seems to me rather fantastic for the Cabinet Mission to tell us that after ten years we are going to do this or that. It is fantastic and I cannot imagine anybody laying down any rule for India ten years hence."

Pandit Nehru continued : "When India is free, India will do just what she likes. It is quite absurd and foolish to lay down now what she is going to do a few years hence.

I do think that some time or other in the future, we may have to summon our own proper revolutionary Constituent Assembly. That does not mean we should not take advantage of this and work it out

for our own advantage. If we do not succeed in the Constituent Assembly we change our tactics to suit whatever form we want to.

There is a good deal of talk of Cabinet Mission's long-term plan and short-term plan. So far as I see, it is not a question of our accepting any plan long or short. It is only a question of our agreeing to go into the Constituent Assembly. That is all and nothing more than that. We will remain in that Assembly so long as we think it is good to India and will come out when we think it is injuring our cause and then offer battle. We are not bound by a single thing except that we have decided for the moment to go to the Constituent Assembly, not certainly to deliver fine speeches but to build something to overcome some of our problems."

As the discussion in the House was about the proposed Constituent Assembly, Pandit Nehru went on to say, he was reminded of other Constituent Assemblies. Perhaps the comparison was not justified. 157 years ago a Constituent Assembly called the "States General" was called in France. It was convened by the King of France himself. He was an autocratic and foolish King and he soon got into trouble with that Assembly and ultimately within a few years the head of that King was cut off. India, of course, would not cut off other people's head. Again there was the case of the American colonies. "Do you remember", Pandit Nehru asked, "that even after the declaration of war against England there were colonies which continued to send humble petitions of loyalty to the English King ? It is only after a hard war things changed. Now in regard to criticisms against the resolution it is strange that one should be afraid of a thing because, at the beginning, it is not exactly to one's liking. It seems to me that we have begun to attach far too much importance to gestures, words and slogans and generally to a certain heroic attitude. It is a dangerous thing. Remember, we are a great nation. We are no longer a tiny people begging for freedom at the hands of the British. We are on the verge of freedom."

Pandit Nehru said, "Of course we have to fight those who come in our way. But we should not forget the fact that while we have to be revolutionary, we also have to think in terms of statesmanship—not in terms of careerists and merely shouting slogans and escaping responsibility, but in terms of facing big problems. I beg of you to look upon all these problems in a spirit of revolutionary statesmanship and not in a spirit of submission to opportunism which is so rampant all over India to-day. There is always a tendency, if we enter these legislatures, for us to get entangled in minor problems and forget big things. Although there is that danger yet it is quite

impossible after we have arrived at a certain stage to say that you cannot accept responsibility for solving your own problem. The world looks to you and to the Congress for great decisions and it is no use to sit cursing, fuming and fretting".

Sir Stafford Cripps on the history of the Cabinet Mission to India, 18 July 1946

When the Mission first arrived in New Delhi the atmosphere for an agreement between the parties was not propitious. We found a highly changed political atmosphere resulting from the elections which were still in progress in some of the provinces, and a deep suspicion that, somehow or other, our object would be to delay and frustrate the hopes of Indian independence. The issue of 'one or two Indias' had been bitterly contested at the elections and the two major parties, the Congress and the Muslim League, had each of them almost swept the board in their respective constituencies. To some extent, perhaps, this outstanding success of the two major parties simplified the matter because the smaller parties had been relegated to the background by the electorate, but on the other hand it had of course reinforced the major parties in their directly opposed policies.

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In coming to the negotiations I would like to divide them into four periods : The first from the time of our arrival to the end of April ; the second from the end of April to 16th May, when we issued our first statement ; the third from 16th May until 16th June, when we issued our second main statement ; and the fourth from 16th June until we left India on 29th June. I will deal shortly with each of these periods, and at the same time with the more important of the documents to be found in the various White Papers, of which there are five, which relate to each of those periods.

First, then, let me take the initial months of negotiation. During this period we arranged to see in formal interviews those communities, sections, parties, and individuals whom we felt could assist in solving the many problems. . . . We indicated our hope before leaving New Delhi that two principal parties might come together for negotiations between themselves during our absence. Immediately on our return, finding that nothing further had transpired during our absence, we set ourselves the task of bringing together the Muslim League and the Congress, because we were determined not to lose any opportunity of reaching an agreement between them.

Apart from the difficulty of arriving at a common view as to the form of the Constituent Assembly, and the composition of the Interim Government, which were the two main points, there was, in

these initial stages, a wide difference of general approach between the two parties. The Congress held strongly that the question of the Interim Government should first be settled, after which a settlement on the Constituent Assembly issue should follow. The Muslim League, on the other hand, were equally firm that they could not discuss the composition of the Interim Government until the longer-term question associated with the setting up of the constitution-making machinery had been settled. It was not practicable to obtain a settlement of both questions simultaneously, and we came to the conclusion that the best chance of ultimate agreement upon the whole matter was to deal with the longer-term question first and thereafter immediately to tackle the problem of the Interim Government. It was upon that basis that we proceeded, and it therefore, became necessary to work out, with the leaders of the two main parties some basis upon which those parties would be prepared to meet for discussion of the long-term problem. A difficulty here was, of course, that the Muslim League were committed up to the hilt to an independent, fully sovereign Pakistan as a separate entity, while the Congress were equally strongly pledged to a unitary India, though they had stated that they could not compel the people of any territorial unit to remain in an Indian Union against their declared will.

The second stage of our negotiations was, therefore, introduced by a very intense period of personal interviews and conversations during which a joint basis was worked out for discussion and ultimately both parties, while making it clear that they were in no way bound, expressed their willingness to meet in Simla to discuss the matter. The basis is set out in the first letter in Command Paper 6829 in these words :

'The future constitutional structure of British India to be as follows : A Union Government dealing with the following subjects : Foreign Affairs, Defence and Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces, and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary sovereign rights.'

It was upon this purposely vague formula, worked out in conjunction with the leaders of the two parties, that we were able to bring together to confer with us in Simla four representatives each from the Congress and the Muslim League. We were not over-optimistic regarding a final agreement at this stage, but what we hoped for, and in fact realized, was a much closer approach to a

solution which would narrow the gap between the two parties and so enable us subsequently to put forward to them suggestions for bridging that gap. Towards the end of the Simla talks, the two sides produced written statements as to their rival demands which are to be found in Documents 19, 20 and 21 of Command Paper 6829. It will be seen from these documents that both sides had moved very considerably from their initial standpoints. It was not possible to get the parties any closer to one another at Simla, and so, with their consent, the meetings were terminated after lasting a fortnight, and the Mission announced that it would return to New Delhi and put out a statement of its own views.

We had in fact worked very hard on the production of a plan while at Simla, adapting it in the light of the negotiations that took place there, and on our return to New Delhi we were able to finalize it quickly, so that it was issued on 16th May. It is perhaps worth stating that, contrary to allegations which were made in some quarters in India, we had not gone out to India with any cut-and-dried plan. We went out with open minds, since our object was not to impose a plan on India, but to help the Indians to agree on a plan among themselves.

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I would ask the House to note particularly the method we adopted and our reason for adopting it. We did not desire in any way to interfere with the making of the future Constitution of India, which was and is a matter entirely for the Indians. On the other hand, we were suggesting to the different communities that they should join in the forming of a constitution-making body on a certain basis which we believed to conform to the greatest common measure of agreement between them. We had to offer each of them some security that if they came in on that basis it would not be changed without their consent. So we adopted the following plan :

In paragraph 15, we recommended a basic form for the future Constitution. These recommendations were the logical outcome of the Simla negotiations. I will not go into them in detail now, because I have no doubt that they are by now familiar to the House. The point to note is that the three-tier system, as it has been christened, is nothing more than our recommendation to the Indian people but it was on this basis that we were asking the parties to join in the formulation of a Constituent Assembly. It was necessary in paragraph 19 (*vii*) to stipulate that the provisions of paragraph 15 should not be varied without a majority in each of the two major communities. That was designed with, we were sure, the assent of

the Congress, to give a degree of security to the Muslims, if they came in on the basis of our recommendations. Our reason for taking that step was set out quite clearly in paragraph 16 of the statement.

In paragraph 18 we give our reasons for adopting the population basis for the elections to the Constituent Assembly. That method has, I think, met with very general approval. The results of that basis of representation are also set out in paragraph 19, which gives details of the proposal for the constitution-making machinery. In paragraph 19 (*iv*) and paragraph 20, we lay down the special procedure for the extra protection of Minorities, and to this we attach great importance. The straight population basis for the Constituent Assembly, with election by the single transferable vote, inevitably results in the Minorities to some extent losing their existing weightage in the Provincial Legislature. It was wholly impracticable to extend the population basis to each of the Minorities, because their numbers are so divided up among the different Provinces that it would, in practice, have resulted in some of them not gaining any representation at all. We therefore took only three major divisions, Muslims, Sikhs and General.

In the latter category, Congress are, of course, the vast majority, and if, as in fact they are doing, they provide adequate opportunities for the Minority representatives to get elected, the Minorities will gain and not lose by that arrangement. Despite this, we still felt that the Minorities should have some special consideration and we were sure, from our negotiations, that both the major parties were anxious to give them good and fair treatment. We proposed, therefore, the Advisory Committee of paragraph 20. This provides a way of initiating the recommendations for Minority protection in the Constitution in a body which should consist mainly of Minority representatives. We believe that this method is more likely to produce sound and just results than an insignificant minority in the Constituent Assembly, which is the most that could, by any electoral device, have been obtained for the Minorities. Paragraph 22 mentions the need for a treaty to regulate the matters remaining outstanding between the two countries on the transfer of power and paragraph 23 deals with the matter of the Interim Government, to which I shall come presently.

This, then, was the document which, on 16th May, on behalf of His Majesty's Government, we presented to the Indian people.

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On 6th June, the All-India Muslim League passed a resolution which, while critical of the contents of the statement of 16th May,

particularly on the Pakistan issue, and while reserving opinions on that point, yet definitely accepted the scheme put forward by the Mission. That was a great step forward, and it must have required no little courage and determination on Mr. Jinnah's part, in the light of the strong views held and very forcibly expressed by his followers, to support and carry this resolution through the Muslim League. The Congress, who met immediately after the All-India Muslim League, were still anxious that the two issues should be dealt with together. There were a number of matters as regards the statement of 16th May which distrubed them, and as to which they sought assurances or alterations. On 25th May the Mission, following upon a statement by Mr. Jinnah and a resolution by the Congress Working Committee, put out an explanatory document, which is Document A in Command Paper 6835. This covers a number of points raised by both sides. The Mission felt that after that statement, they could not go further into the matter by way of formal explanation or elaboration.

There were two main points which the Congress were stressing as to the statement of 16th May. The first was as to whether the Provinces were compelled to come into the Sections of the Constituent Assembly—Section A, B and C—in the first instance, or whether they could stay out if they wished. We made it quite clear that it was an essential feature of the scheme that the Provinces should go into Sections, though, if groups were subsequently formed, they could afterwards opt out of those groups. A fear was expressed that, somehow or other, the new provincial Constitutions might be so manoeuvred as to make it impossible for the Provinces afterwards to opt out. I do not myself see how such a thing would be possible, but if anything of that kind were to be attempted, it would be a clear breach of the basic understanding of the scheme. The essence of the constitution-making scheme is that the Provincial representatives in Sections A, B and C, mentioned in paragraph 19, should have the opportunity of meeting together and deliberating upon the desirability of forming a 'group', and upon the nature and extent of the subjects to be dealt with by the group. If, when the pattern of the group utimately emerges, any Province wishes to withdraw from the group, because it is not satisfied, then it is at liberty to do so after the first election under the new Constitution, when, with no doubt a wider electorate than at present, that matter can be made a straight election issue.

The second point which disturbed Congress was as to the European vote. The Congress took the view that, as we had laid down that the Constitution was to be made by Indians for Indians, Europeans had no *locus* at all in this matter. So far as sitting in

the Constituent Assembly was concerned, that seemed pretty clear, and while we were in India the European Party in the Bengal Legislature—which is the important case in point of course—expressed clearly their intention neither to nominate nor to vote for any European in the Constituent Assembly and that resolution will be found in Command Paper 6862, Document 6. Since our departure they have gone further and have decided to take no part in the election at all. That will be found in Document 7. The same has been done, I understand, by the Europeans in Assam. That matter has, therefore, been got out of the way, not by our decision, but by the sensible and co-operative attitude of the Europeans themselves, who have, throughout, done their best to assist towards the working out of the new regime in India.

But, before I leave the matter of the new Constituent Assembly, I would like to mention some of the recent reports coming from India as to the alleged intentions of the parties in joining the Constituent Assembly. We saw representatives of both parties shortly before we left India, and they stated to us quite categorically that it was their intention to go into the Assembly with the object of making it work. They are, of course, at perfect liberty to advance their own views on what should or should not be the basis of a future Constitution. That is the purpose of the Constituent Assembly—to hammer out agreement from diverse opinions and plans—and likewise they can put forward their views as to how the Constituent Assembly should conduct its business. But, having agreed to the statement of 16th May on the Constituent Assembly, elected in accordance with that statement, they cannot, of course, go outside the terms of what has been agreed. That would not be fair to the other parties who have come in, and it is on the basis of that agreed procedure that His Majesty's Government have said they will accept the decision of the Constituent Assembly.

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I must take up the question of the Interim Government, for, as other difficulties cleared away, this gradually emerged as the crucial issue in the third period. The Viceroy had started, as I have said, his discussion in Simla on the basis of five representatives of Congress, five from the Muslim League, and two representatives of minorities. That basis was to some extent influenced by the discussions which he had had in the previous year, in the autumn of 1945, in Simla. As will appear from the correspondence in Command Paper 6861, the Congress took strong exception to parity between the two parties, and parity at this stage became the foremost obstruction to progress.

There are three possible forms of parity—first, between the Muslim League and Congress on a party basis; secondly between Muslims and Hindus on a communal basis; and, third, between Muslims and Hindus other than Scheduled Castes. We were aiming at a coalition of political parties, and so we were concerned with the first form of parity. We sought to overcome the difficulty about this by adding a Congress representative of the Depressed Classes to their five representatives, thus making six Congress to five Muslim League, and retaining the two other Minority representatives, one of whom would, of course, have been a Sikh. This would have given an Interim Government of 13 in all, and not 12 as originally suggested. This proposal Mr. Jinnah was prepared to put to his Committee and it would, I think, have been accepted by them, but Congress were not satisfied with it. At this stage we tried to get a meeting between Pandit Nehru and Mr. Jinnah in the hope that at such a meeting a compromise could be achieved, but, as will be seen from the letters 9, 10 and 11, that attempt proved abortive. There was apparently some misunderstanding by Mr. Jinnah as to the status of the original 5 : 5 : 2 proposal. This is shown by his letter of the 8th June—No. 7—but this was cleared up by the Viceroy in his answer of 9th June, which is Document 8, and which makes it perfectly clear that no assurance was ever given to Mr. Jinnah upon this point.

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It was the basis of the negotiations upon which it was hoped agreement might be reached, but nothing more. We thus reached a complete deadlock, as is shown by the letter of the Congress President, which is No. 19 in Command Paper 6861, and it seemed that the only possible way to break that deadlock was for the Viceroy—in consultation with the Mission—to choose a suitable Interim Government on the basis judged most likely to be acceptable to both parties in view of their expressed opinions, and to make a statement publicly that he was going ahead on that basis, and he so informed the parties, telling Mr. Jinnah that Congress had not accepted the 6 : 5 : 2 basis. There resulted from this the second main statement of 16th June, which is Document 21 in Command Paper 6861. That proposed Government was built up on the basis of six Congress, including one from the Depressed Classes, five Muslim League, one Sikh and two others—a Parsi and an Indian Christian, thus making 14 in all. The Viceroy had had unofficial and tentative lists of names from both sides, and these were largely used as the basis of the selection of the 14 names. Thus ended, with this publication, the third stage of the negotiations. On this occasion Mr. Jinnah took up the position verbally that he would await the Congress decision before giving the

decision of the Muslim League, and that will be found confirmed in the letters 26 and 26A.

The Congress were very much troubled by the type of parity that still remained between Muslims and Hindus, other than Scheduled Castes, and also by the inclusion of Sir N.P. Engineer, not because of his personal qualifications—which they admitted were of the highest—but because they considered that he was holding an official post which they thought gave him an official rather than a representative character. The major problem, however, was still that of parity. It might have been that, despite all the difficulties, Congress would have consented to this arrangement had there not been an unfortunate and widely publicized disclosure of certain letters written by Mr. Jinnah at this precise moment. The most important of these was that which is numbered 22 in the White Paper 6861, which contained the following sentences :

'The Muslim League would never accept the nomination of any Muslim by you'—that was the Viceroy—'other than a Muslim Leaguer.' That at once became the major issue. Congress were, in fact, considering the possibility of asking for the substitution of one of their Hindus by a Muslim in order, in that way, to get over the parity difficulty, and they might perhaps have waived this suggestion of nominating a Muslim had it not been that this public challenge was at this moment made as to their right to do so. Congress has, of course, as everybody knows, always insisted upon the non-communal nature of its organization, and it has fully demonstrated this fact by its nomination of personnel to those Provincial Governments in which it has a large majority. It was made perfectly clear to Mr. Jinnah on more than one occasion that neither the Viceroy nor the Mission could accept his claim to a monopoly of Muslim appointments, though the Musiim League was certainly to be regarded as the major representative of Muslim interests.

In order to explain the subsequent events, I must now return to the statement of 16th June. In paragraph 8 of that statement we had laid down the course which we should pursue in the event of both or either of the two major parties being unable to accept a Coalition Government on the basis there laid down. If either refused, the whole basis of the proposed Coalition fell to the ground, but we desired to protect any who had agreed to co-operate in the plan of 16th May for the Constituent Assembly, and so we stated that in the event of failure to form a Coalition on the lines set out—

'It is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16th.'

Up to 16th June this indicated the Muslim League only, as neither Congress nor the Sikhs had up to that time given any decision. When Congress ultimately came to their final decision, they decided, I am glad to say, to accept the statement of 16th May while, unfortunately, rejecting the Interim Government proposed, for those reasons that I have already stated, and this appears from the letter No. 31 and from their resolution No. 32. This acceptance of the statement of 16th May was, I think, an act of statesmanship on their part, as it enabled progress to be made towards the working out of the new Constitution. Immediately we received that letter No. 31, we saw Mr. Jinnah—within an hour, I think—and told him the position, giving him a copy of the letter and informing him that the scheme of 16th June had fallen to the ground since Congress had turned it down, and this was confirmed the same evening by the letter No. 33.

Up to that moment the Muslim League had arrived at no decision as to their attitude to the proposal of 16th June. As I have already pointed out, they had adopted the line that they must await the Congress decision before themselves deciding. Mr. Jinnah went straight from this meeting with us to his own Working Committee, who thereupon passed a resolution, which is set out in Document 34 accepting the scheme of 16th June. Presumably Mr. Jinnah told his Working Committee what had passed at the interview, though he does not make that clear in his letter No. 35. Mr. Jinnah seemed to think that the acceptance by Congress of the statement of 16th May had put him into a false position and that we should have proceeded forthwith to the formation of an Interim Government with the Muslim League alone. His arguments on this point will be found in the statement he made to the Press, which is Document 39, and in his letter to the Viceroy, No. 43, which was answered shortly in two letters, 42 and 44.

It is easy, of course, to realize the disappointment of Mr. Jinnah that Congress had not accepted what apparently seemed to him the acceptable arrangement of 16th June for the Coalition Government there set out, while, at the same time, qualifying themselves for consultation upon the formation of some other Interim Government by agreeing to operate the plan of 16th May, Mr. Jinnah was anxious to enter the Coalition Government laid down in the statement of 16th June but as paragraph 8 of that statement made the setting up of such a Government dependent upon acceptance by both parties it was impossible to proceed upon that basis when one party—and that the major party—had stated its unwillingness to accept. The situation now is that the Viceroy will proceed to act under paragraph 8 of the statement of 16th June.

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So far I have of necessity concentrated upon the position of the two major parties, but although these represent a large proportion of the total population of British India, there are other important elements which are entitled to the fullest consideration. First, perhaps I might deal with that large section of the Indian territory and population which comes within the Indian States.... The States were willing and anxious to co operate and to bring their own Constitutions into such conformity with those of British India as to make it possible for them to enter the Federal Union. There will of course have to be close negotiations between the Negotiating Committee which the States have set up and the major British India parties both as to the representation of the States in the Constituent Assembly and as to their ultimate position in the Union. If the same reasonable temper continues to be shown about these matters as was the case while we were in India we may well hope that an accommodation will be arrived at which will enable all India to come within the Union set up by the constitution-making machinery.

I now pass to the question of the Sikhs. It was a matter of great distress to us that the Sikhs should feel that they had not received the treatment which they deserved as an important section of the Indian people. The difficulty arises, not from anyone's underestimate of the importance of the Sikh community, but from the inescapable geographical facts of the situation. The views of the Sikhs will be found in Documents 1 and 3 of the Command Paper 6862. From these it will be seen that what they demand is some special treatment analogous to that given to the Muslims. The Sikhs, however, are a much smaller community, $5\frac{1}{2}$ as agaihst 90 millions, and, moreover, are not geographically situated so that any area as yet devised—I do not put it out of possibility that one may be devised in the future—can be carved out in which they would find themselves in a majority. It is, however, essential that the fullest consideration should be given to their claims, for they are a distinct and important community whose culture and interests deserve protection.

The most that we could do directly was to nominate them in paragraph 19 of the statement of 16th May as one of the more important communities, and this we have done. But on the population basis there adopted they lose their weightage, and consequently have only four out of a total of 28 seats in the Punjab or out of 35 in the North-Western Section for the Constituent Assembly. We hope this situation may to some extent be remedied by their full representation in the Advisory Committee on Minorities set up under paragraph 20 of the statement of 16th May. Over and above that we have re-

presented to the two major parties—who were both most receptive—that some special means of giving the Sikhs a strong voice in the affairs of the Punjab or the North-Western Section should be devised. I feel most hopeful that if only our Sikh friends will maintain a single and undivided view amongst themselves, and are patient, they will find their position is generally recognized and that they will be able, with the two main parties, to work out some satisfactory arrangement.

I now come to the third element outside the two major parties, the Depressed Classes. The difficulty that arises here is that there are two claimants to represent this large boby of Indians, the one identified with the name of Dr. Ambedkar, who has fought so strenuously for the rights of the Depressed Classes, and the other, which works in close association with the Congress. Dr. Ambedkar's organization is somewhat more local in its character, being mainly centred in Bombay and the Central Provinces ; the Congress affiliated organization is spread widely over the whole country. We naturally considered with great care as to what could be done to obtain representation for both organizations in accordance with their popular support in the country.

The House will remember no doubt, that the electoral basis for the Depressed Class representatives was settled by what is known as the Poona Pact, agreed to under pressure by Dr. Ambedkar, which lays down a most complicated system of election in which there are primary elections by Depressed Class electors alone, in which four candidates are chosen, from which subsequently, in a second election, one is chosen by the general electorate. Whether this is a good or bad system it is one to which the parties agreed and which is in operation, and, as a result of it, at the last provincial elections Congress made practically a clean sweep of the whole of the Depressed Class constituencies. That is the fact and as it was almost universally agreed that the members of the Provincial Legislative Assemblies formed the only possible electorate for the Constituent Assembly, it was not possible, even had we desired to do so, to arrange for Dr. Ambedkar's organization to have any special right of election to the Constituent Assembly. It had failed in the elections, and we could not artificially restore its position. The Depressed Classes will, of course, have their full representation through the Congress affiliated organization. We interviewed the leaders of that organization and were convinced of their very genuine and strong desire to support the case of the Depressed Classes.

Here again, however, the Advisory Committee on Minorities can provide an opportunity for the reasonable representation of both

organizations, and we hope very much that the majority of the Constituent Assembly, in setting up that Advisory Committee, will be generous in their allocation of seats to all the Minorities but particularly to minority organizations which, though they have a considerable following in the country, may have little or no representation in the Constituent Assembly itself. The other Minorities though, of course, each important in their own field, do not I think raise any major questions with which I need here deal. They will all, we hope, be fully represented on the Advisory Committee. I should, however, perhaps draw the attention of the House to one other matter in this respect. Members will observe that in paragraph 20 of the statement of 16th May we deal not only with the rights of citizens—fundamental rights—and of Minorities, but also with Tribal and Excluded Areas. Here again it was impossible to arrange for any worthwhile representation for these particular interests in the Constituent Assembly, and in consequence we felt that, having regard to the very special nature of the problems raised, it was far better for them to be dealt with by a more specialized body.

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*Resolutions of the Muslim League Council, July 29, 1946**

Resolution withdrawing acceptance of Cabinet Mission's Plan :

"On June 6, 1946, the Council of the All-India Muslim League accepted the scheme embodied in the Statement of the Cabinet Delegation and the Viceroy dated May 16, 1946, and explained by them in their statement dated May 25, 1946. The scheme of the Cabinet Delegation fell far short of the demand of the Muslim nation for the immediate establishment of an independent and fully sovereign State of Pakistan comprising the six Muslim provinces, but the Council accepted a Union Centre for 10 years strictly confined to three subjects, *viz.*, defence, foreign affairs and communications, since the scheme laid down certain fundamentals and safeguards and provided for the Grouping separately of the six Muslim provinces in Sections B and C for the purpose of framing their provincial and Group constitutions unfettered by the Union in any way ; and also with a view to ending the Hindu-Muslim deadlock peacefully and accelerating the attainment of the freedom of the peoples of India.

"In arriving at this decision the Council was also greatly influenced by the statement of the President, which he made with

*The Council of the Muslim League concluded its three-day session to-day at Bombay after passing two resolutions. The Council also called upon Muslim title-holders to renounce the titles conferred on them by the British Government.

the authority of the Viceroy, that the Interim Government, which was an integral part of the Mission's scheme, was going to be formed on the basis of the formula : five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian, and the most important portfolios to be distributed equally between the two major parties, the Muslim League and the Congress. The Council authorized the President to take such decision and action with regard to further details of setting up the Interim Government as he deemed fit and proper. In that resolution, the Council also reserved the right to modify and revise this policy, if the course of events so required.

"The British Government have committed a breach of faith with the Muslim League in that the Cabinet Delegation and the Viceroy went back on the original formula of 5 : 5 : 2 for the setting up of the Interim Government to placate the Congress.

"The Viceroy, having gone back on the original formula upon the faith of which the Muslim League Council came to their decision of June 6, suggested a new basis of 5 : 5 : 3 and, after carrying on considerable negotiation with the Congress and having failed to get the Congress to agree, intimated to the parties on June 15 that he and the Cabinet Delegation would issue their statement with regard to the setting up of the Interim Government.

"Accordingly, on June 16, the President of the Muslim League received a statement embodying what was announced to be the final decision for setting up the Interim Government by the Viceroy, making it clear that, if either of the two major parties refused to accept the Statement of June 16, the Viceroy would proceed to form the Interim Government with the major party accepting it and such other representatives as were willing to join. This was explicitly laid down in Paragraph 8 of the Statement of June 16.

"Even this final decision of the Cabinet Mission of June 16 with regard to the formation of the Interim Government was rejected by the Congress, whereas the Muslim League definitely accepted it—although it was different from the original formula *i.e.*, 5 : 5 : 2—because the Viceroy provided safeguards and gave other assurances in his letter dated June 20, 1946.

"The Viceroy, however, scrapped the proposal of June 16 and postponed the formation of the Interim Government on the plea concocted by the legalistic talents of the Cabinet Mission putting a most fantastic and dishonest construction upon Paragraph 8 of the Statement to the effect that, as both the major parties, *i.e.*, the Muslim League and the Congress, had accepted the Satement of May 16, the question of the Interim Government could only be taken up in consultation with the representatives of both the parties de novo.

"Even assuming that this construction was tenable, for which there is no warrant, the Congress, by their conditional acceptance with reservations and interpretations of their own, as laid down in the letter of the President of the Congress dated June 25 and the resolution of the Working Committee of the Congress passed at Delhi on June 26, repudiating very fundamentals of the scheme had, in fact rejected the Statement of May 16, and, therefore, in no event was there any justification, whatsoever, for abandoning the fianl proposals of June 16.

"As regards the proposals embodied in the Statements of May 16 and 25 of the Cabinet Delegation and the Viceroy, the Muslim League alone of the two major parties had accepted it.

"The Congress have not accepted it because their acceptance is conditional and subject to their own interpretation which is contrary to the authoritative statements of the Delegation and the Viceroy issued on May 16 and 25. The Congress have made it clear that they do not accept any of the terms or fundamentals of the scheme, but that they have agreed only to go into the Constituent Assembly and to do nothing else ; and that the Constituent Assembly is a sovereign body and can take such decisions as it may think proper in total disregard of the terms and the basis on which it is to be set up. Subsequently they made this clear beyond doubt in the speeches that were made at the meeting of the A.-I.C.C. in Bombay on July 6 by prominent members of the Congress and in the statement of Pandit Nehru, the President of the Congress, to a Press conference on July 10 in Bombay and then again, even after the debate in Parliament, at a public speech by him at Delhi on July 22.

"The result is that, of the two major parties, the Muslim League alone has accepted the Statements of May 16 and 25 according to the spirit and letter of the proposals embodied therein. In spite of the attention of the Secretary of the State for India having been drawn to this situation by the statement of the President of the Muslim League on July 13 from Hyderabad (Dn.), neither Sir Stafford Cripps in the House of Commons nor Lord Pethick-Lawrence in the House of Lords, in the course of the recent debate, has provided or suggested any means or machinery to prevent the Constituent Assembly from taking decisions which would be *ultra vires* and not competent for the Assembly to do. The only reply to this matter that the Secretary of State gave was the mere expression of a pious hope when he said 'that would not be fair to the other parties who go in.'

"Once the Constituent Assembly has been summoned and meets, there is no provision or power that could prevent any decision from

being taken by the Congress with its overwhelming majority, which would not be competent for the Assembly to take, or which would be *ultra vires* of it, and, however repugnant it might be to the letter or spirit of the scheme, it would rest entirely with the majority to take such decisions as they may think proper or suit them ; and the Congress had already secured by sheer number an overwhelming Caste Hindu majority, and they will be in a position to use the Assembly in a manner which they have already declared, *i.e.*, that they will wreck the basic form of the Grouping of provinces, and extend the scope, powers and subjects of the Union Centre which is confined strictly to three specific subjects as laid down in Paragraph 15 and provided for in Paragraph 10 of the Statement of May 16.

"The Cabinet Delegation and the Viceroy collectively and individually have stated several times that the basic principles were laid down to enable the major parties to join the Constituent Assembly and that the scheme cannot succeed unless it is worked in a spirit of co-operation. The attitude of the Congress already shows that these conditions precedent for the successful working of constitution-making do not exist. This fact, taken together with the policy of the British Government of sacrificing the interests of the Muslim nation and some other weaker sections of the peoples of India, particularly the Scheduled Castes, to appease the Congress, and the way in which they have been going back on their oral and written solemn pledges and assurances given from time to time to the Muslims, leave no doubt that, in these circumstances, participation by Muslims in the proposed constitution-making machinery is fraught with danger ; and the Council, therefore, hereby withdraws its acceptance of the Cabinet Mission's proposals which was communicated to the Secretary of State for India by the President of the Muslim League on June 6 1945."

Resolution on Direct Action ;

"Whereas the League has today resolved to reject the proposals embodied in the statement of the Cabinet Delegation and the Viceroy of May 16, 1946, due to the intransigence of the Congress on the one hand and the breach of faith with the Muslims by the British Government on the other ; and whereas Muslim India has exhausted without success all efforts to find a peaceful solution of the Indian problem by compromise and constitutional means ; whereas the Congress is bent upon setting up a Caste Hindu Raj in India with the connivance of the British ; and whereas recent events have shown that power politics and not justice and fair play are the deciding factors in Indian affairs ; whereas it has become abundantly clear that the Muslims of India would not rest content with anything less than the immediate

establishment of an independent and full sovereign State of Pakistan and would resist any attempt to impose any constitution, long-term or short-term, or setting up of any Interim Government at the Centre without the approval and consent of the Muslim League, the Council of the All-India Muslim League is convinced that the time has now come for the Muslim nation to resort to direct action to achieve Pakistan and assert their just rights and to vindicate their honour and to get rid of the present slavery under the British and contemplated future of Caste Hindu domination.

"This Council calls upon the Muslim nation to stand to a man behind their sole representative organization, the All-India Muslim League, and be ready for every sacrifice.

"This Council directs the Working Committee to prepare forthwith a programme of direct action to carry out the policy initiated above and to organize the Muslims for the coming struggle to be launched as and when necessary.

"As a protest against and in token of their deep resentment of the attitude of the British, this Council calls upon Muslims to renounce forthwith the titles conferred upon them by the alien Government".

Mr. Jinnah's Speech :

Mr. Jinnah immediately after the two resolutions had been passed, declared amid cheers : "What we have done to-day is the most historic act in our history. Never have we in the whole history of the League done anything except by constitutional methods. But now we are forced into this position. To-day we bid good-bye to constitutional methods."

Mr. Jinnah recalled that throughout the fateful negotiations with the Cabinet Delegation and the Viceroy, the other two parties, the British and the Congress, held pistols in their hands—the former a pistol representing authority and arms and the latter a pistol representing mass struggle and non-co-operation.

"To-day," he said, "we have also forged a pistol and are in a position to use it."

Mr. Jinnah said that the decision to reject the Cabinet Mission's proposals and to launch direct action had not been taken in haste. It had been taken with a full sense of responsibility and all the deliberation humanly possible.

"We mean every word of it. We do not believe in equivocation," he declared.

Mr. Jinnah said that the Congress had accepted the Cabinet Mission's proposals conditionally, while the Cabinet Mission and the

Viceroy had committed a flagrant breach of faith. Any honest or self-respecting man could see clearly that the only party which came out honourably from the negotiations was the Muslim League.

When the League accepted the proposals, the statement of May 16, the statement of May 25, and the original formula for an Interim Government, it had done so deliberately and with full responsibility. "Any man who has any sense of fairness and justice will say that the Muslim League was moved by higher and greater considerations than any other party in India."

The League, Mr. Jinnah said, had sacrificed the full sovereignty of Pakistan at the altar of the Congress for securing independence for the whole of India. They had voluntarily delegated three subjects to the Union, and by doing so did not commit a mistake. The League had displayed the highest order of statesmanship in making these concessions, in its anxiety to come to a peaceful settlement with the Congress Party.

Mr. Jinnah added : "I do not think that any responsible man will disagree with me if I assert that we were moved by a desire not to allow the situation to develop into bloodshed and civil war. Such a situation should be avoided if possible. In our anxiety to try to come to a peaceful settlement with the other major party, we made this sacrifice of giving three subjects to the Centre and accepted a limited Pakistan. We offered this unequivocal sacrifice at the altar of the Congress.

"But this has been treated with defiance and contempt. Are we alone to be guided by reason, justice, honesty and fair play when, on the other hand, there are perfidious dealings by the Congress ?

"There has been no sign or the slightest gesture of compromise from them. But honour, honesty, statesmanship, justice and fair play always win in the long run, and I may say that to-day Muslim India is stirred as never before, and has never felt so bitterly as to-day because these two parties (the Congress and the British) showed lack of statesmanship.

"But now we realize that this has been the greatest blessing in disguise for Muslim India. We have learnt a bitter lesson—the bitterest I think so far. Now there is no room left for compromise. Let us march on."

Mr. Jinnah then referred to Lord Pethick-Lawrence's statement in the House of Lords that he could not agree to Mr. Jinnah having a monopoly over Muslim nominations, and said : "What made the Secretary of State, in the responsible position that he holds, use such a stupid phrase ? Has he got the monopoly for every Briton ? On what authority does he speak on behalf of the British people, having

only 60% of the people behind his Government ? We cannot agree to a Quisling Muslim being nominated by the Congress to the Executive Council.

"What did the British Government do with their own quislings like John Amery and Lord Haw-Haw ? These men and many other Englishmen who betrayed their country and became traitors have been hanged for treason. It is impossible for me to agree to a Quisling being nominated."

Mr. Jinnah added that the Cabinet Mission had been "intellectually paralysed", and that their report to Parliament was not even "honest to themselves" and was devoid "not only of political ethics, but of every kind of principle and morality."

Raising his voice, Mr. Jinnah concluded his speech by quoting Firdousi, the Persian poet : "If you seek peace, we do not want war. But if you want war, we will accept it unhesitatingly."

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*Sardar Patel on League Resolutions, August 1, 1946**

"Sardar Patel at the outset compared the meetings of the All-India Congress Committee and the League Council and said that while at the A.I.C.C. meeting no attack or insinuation was made on the Muslim League the speeches at the League Council were full of abuse and insinuations both against the British Cabinet Mission and the Congress. It would serve no useful purpose to reproduce all the vulgar and unparliamentary expressions used by Mr. Jinnah and the other Muslim League speakers. But he referred to them only to demonstrate what mentality these speeches disclosed. They clearly showed that there was no real desire on the part of the Muslim League for a settlement.

Mr. Jinnah now claims that he has placed a pistol in the hands of the League, which can be used both against the British Government and the Congress. Much had been made of the renunciation of titles by members of the League. Such renunciation, in the opinion of the Sardar, is futile in the face of the British declaration to quit India. Such a demonstration could not impress anyone.

Continuing, Sardar Patel said that the threatened direct action by the Muslim League, if it was real, was not aimed at the British but at the Congress because the British have already made it clear that they had no intention of staying in India and, therefore, it could only mean that the threatened action was against the Congress. If it was an attempt at pressure tactics to gain a point over the

*Extracts from a speech delivered at Bombay on the occasion of Lokamanya Tilak anniversary.

Congress, it was hardly likely to succeed, because the Congress would never compromise its principles or yield to threats on fundamentals. Mr. Jinnah has referred to him (speaker) as being responsible for the League's discomfiture and has alleged that some secret deal has been made by the speaker on behalf of the Congress with the Cabinet Delegation. Mr. Jinnah has not been so far able to produce any evidence in support of his allegation. 'In fact I would say it was Mr. Jinnah who entered into a secret understanding and obtained promises behind the back of the Congress, which in the nature of things could not be fulfilled. He, therefore, complains now of the non-fulfilment of those pledges and assurances and he is naturally angry. The Congress has nothing to hide. It always placed its cards openly on the table. Mr. Jinnah tried to outwit the Congress and failed in his attempt. Sir Stafford Cripps, an eminent lawyer, has put one interpretation on Clause 8 of the June 16 Statement while Mr. Jinnah puts another interpretation. Both are able lawyers, and if they cannot agree on the interpretation of Clause 8 of the June 16 Statement, why should the Congress be blamed ?'

Mr. Jinnah's complaint, continued the Sardar, is that the Congress accepted the Cabinet Mission's statement and made it impossible for the Muslim League to form an Interim Government leaving the Congress out. Mr. Jinnah knows, as everyone else does, that the Congress has declared its willingness to let the Muslim League form a Government if it chose but the fact is the Muslim League by itself is unable to form a Government.

'I want to make it clear that there is no possibility of a coalition between the Congress and the League, as they have diametrically opposite aims. Any attempt at a coalition between these two will end in disaster. In England there was a coalition between Labour and the Conservatives during the war, but then they had a common objective, namely, the defeat of Germany and Japan. But here in India Mr. Jinnah comes in with the avowed object of dividing India into Hindustan and Pakistan, whereas the Congress goes into work for a United Federal India. How can these parties coalesce ? There is no common objective'.

'I do not understand what new situation has arisen which entitles the Muslim League to withdraw its acceptance of the Long-term plan. Mr. Jinnah complains against Pandit Jawaharlal Nehru's Press interview in which he has stated that the Congrees has agreed to go into the Constituent Assembly and it is free to do what it likes inside the Assembly. Mr. Jinnah forgets that he himself, in his speech at the League Council at Delhi in accepting the Cabinet Mission's Plan, said similar, if not worse things. He said that the

Muslim League was accepting the Long-term plan because it contained the foundation of Pakistan and that the Muslim League hoped to build a full-fledged Pakistan on that foundation. In the very same speech he had said that Congress had swallowed the sugar-coated pill of Pakistan. The League resolution accepting the Long-term plan also contained similar expressions. Where then is the justification for Mr. Jinnah to complain against the Congress President ? The Congress Working Committee's resolution has been endorsed by the All-India Congress Committee in open session after a free and full debate without changing a comma or full stop. No individual expression of opinion or statement can change or alter the solemn resolution of the A.-I.C.C. The Congress is an honourable organization and it can never renounce its moral obligations. The Congress is not in the habit of going behind its pledged work or withdrawing its acceptance on second thoughts. The British Cabinet Mission's plan for Long-term settlement has been accepted by four parties—the Congress, the Muslim League, the Princes and the British Government.'

'The Congress will never assume responsibility for breaking such a solemn undertaking. If the League chooses to withdraw from its obligations, undertaken after full and mature considerations, it should not attempt to find excuses and try to throw the blame and responsibility for such withdrawal on other shoulders. It must be prepered to face the full consequences of such a decision.'

Continuing, Sardar Patel said, Mr. Jinnah's secret deal to keep the Congress out of the Interim Government had been fully exposed by the publication of the correspondence. 'What right has Mr. Jinnah now to complain of deception and treachery on the part of the Cabinet Mission ?' he asked, Mr. Jinnah had attempted the impossible in trying to make the Congress accept a position in which it would come to be regarded as a communal body. He should have known that the Congress would resist such an attempt. 'Why should he be angry with the British Cabinet Mission for their failure to make the Congress accept such a position ?'

'Mr. Jinnah is angry at the Cabinet Mission, because they had openly declared that they never accepted Mr. Jinnah's claim that he had the monopoly of Muslim representation. Mr. Jinnah now proclaims that he has made his gesture and the next move rests with the British and the Congress. This is adding insult to injury. He has abused both the Congress and the Cabinet Delegation. Does he mean that this is the gesture he has made ? Does he expect the British and the Congress to take the next step because he has

abused them ? In all his life Mr. Jinnah has never made an approach to the Congress ever since he left that organisation. The Congress has made repeated approaches and often conceded his unreasonable demands. It has never yielded to threats in the past and it will not do so in the future.'

'While the Congress is opposed to parity of any kind, I can assure Mr. Jinnah that it will not be opposed to Mr. Jinnah's forming the whole Cabinet in the manner he likes once he drops his communalism and adopts nationalism.'

Sardar Patel then referred to the Pakistan demand and said that up to now the Muslim League was counting on Britain's help to secure Pakistan. The League could not prove its case before the Delegation. It accepted the rejection by the Delegation of the Pakistan demand. It is absurd at this stage to revise the old cry or to flog the dead horse. The Pakistan case was fully examined by the Cabinet Delegation. The League was unable to support it either economically or politically. The Cabinet Mission was, therefore, unable to accept it. 'If Mr. Jinnah means business it is for him to make a friendly approach and drop all ideas of threat and insinuation. It is in the interest of Muslims themselves to give up quarrels and to take to constructive path of co-operation."

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*Pandit Nehru on League Resolutions, August 1, 1946**

"Pandit Nehru casually referred to the recent decision taken by the Muslim League withdrawing their acceptance of Cabinet Mission's statement of May 16 and said that he was sorry for their decision and the method in which the Muslim League had expressed it. He, however cautioned the audience that they need not be worried about it. Such decision could only delay the independenoe of the country but could not stop it. The country could not remain where it was to-day. It had to march on and on to her independence.

Pandit Nehru felt sorry that when the Congress had asked the British 'you go away' and said, 'we will solve our problems together in the Constituent Assembly, without the intervention of the British, the Muslim League should have stayed behind instead of coming into the Assembly for this mutual settlement and asked the British to remain between our problems.

Undoubtedly the Congress had a majority in the Constituent Assembly, said Pandit Nehru, but it did not mean that it would overlook the interests of the minorities. It could not do

*Extracts from a speech delivered in the University of Allahabad.

that. But supposing it did, added Pandit Nehru, we could have fought, we could have quarrelled together and solved these problems.

Pandit Nehru congratulated the elder statesmen in the Muslim League on their decision to renounce the British titles.

Pandit Nehru refrained from making any detailed comments on the decision of the Muslim League and said that the matter would have to be considered at the coming meeting of the Congress Working Committee.

Pandit Jawaharlal Nehru reiterated his assertion about the sovereign stature of the Constituent Assembly. He said that the sovereignty of the Constituent Assembly was necessary for solving our problems mutually.

Pandit Nehru made it clear that by the sovereignty of the Constituent Assembly he meant that there was to be no interference by the British Government in what the Assembly deliberated and finally put before the country. The sovereignty of the Assembly will be as a whole and against the interference of the British Government. It will not be the sovereignty of one party inside the Assembly over the other.

The Congress could never have accepted to go into the Constituent Assembly if the Assembly had not this sovereign status, said Pandit Nehru. He added that the Cabinet Mission had accepted the 'sovereignty' of the Assembly subject to two matters—treaty between India and Britain and the minorities question. 'Of course there will have to be a treaty signed between India and Britain for the transfer of power, and the minorities question to be subsequently settled,' said Pandit Nehru, 'but', he added, 'if the British Government thought they would put clauses or dictate on the terms of a treaty or how the minorities question should be settled, the Congress would not accept it, for that would mean the losing of the sovereign stature of the Assembly.'

'We cannot solve our problems unless this sovereign status of the Constituent Assembly was given to us. By this sovereign status we remove the third party which is coming in our way of solving our problems. My idea of the sovereign status of the Constituent Assembly is that there will be no interference by the British Government. We will sit together without intervention in the Assembly and mutually settle our problems,' said Pandit Nehru."

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*Mr. Jinnah's Statement, August 5, 1946**

"Mr. Vallabhbhai Patel in a recent speech on the Congress Working Committee's resolution at Delhi on June 26 and the A.-I.C.C.

*Mr. Jinnah was interviewed in Bombay by a correspondent

at Bombay on July 7, to quote his words, said, 'The Working Committee's resolution said clearly that it accepted the declaration of May 16. It still stood by it. Certainly it had the right to interpret the document.' This is misleading. The document embodied four main proposals. First is the declaration which alone, he says, the Congress has accepted. The basic form and the Grouping of the provinces in paragraph 19 of the document, and the formation of the Interim Government, have not been accepted by the Congress. And this is clear from the letter of the Congress President of June 25 whereby the Congress rejected the statement of June 16 regarding the Interim Government and only accepted the statement of May 16 with reservations and with their own interpretations. This, being a conditional acceptance, was in fact and in law a rejection of the statement of May 16. The letter winds up by saying : 'We also gave our interpretation to some of the provisions of the statement. While adhering to our views we accepted your proposals and are prepared to work with a view to achieve our objective.' The resolution of the Working Committee proceeds to lay down that there was sufficient scope for enlarging and strengthening the Central Government and for fully ensuring the right of provinces to act according to their choice in regard to Grouping.

Congress leaders have said at the A.-I. C. C. that they have not accepted the Long-term plan of the Cabinet Mission as it was and that they have rejected the Short-term plan of June 16, and now Mr. Patel has the audacity to say that the League has gone back on its pledged word. To whom did we pledge our word and to what had we pledged our word ? One of the two major parties has not accepted the Long-term plan and rejected the Short-term plan and this was pointed out by me immediately by my Press statements that I made at Delhi on June 27 and 29 and also by the resolution of the Muslim League Working Committee passed on June 26 accepting both. I had pointed out that the Congress had not accepted the Long-term plan and rejected the Interim Government proposal. The Cabinet Mission had scrapped the Interim Government proposal and had gone back on their word. We, therefore, decided to call a meeting of the All-India Muslim League Council at Bombay on July 27 and 28 to consider and to meet the new situation that had arisen, to which Pandit Nehru retorted that the Congress would create many more new situations. In the meantime Pandit Nehru and other Congress leaders, including Mr. Vallabhbhai Patel himself, made it clear in their speeches and public utterances in Bombay that the Congress had not accepted any of the terms of the statement of May 16 nor committed to anything. Further, on July 10 Pandit Nehru, the Congress President, made it

crystal clear to a Press Conference, and the Assam Assembly, in accordance with the instructions of the Congress High Command, after having elected their representatives to the Constituent Assembly, gave them a definite mandate to have nothing to do with C Group from the very start, although there was a very strong opposition to this from the representatives of the minorities including Muslims but it was carried by the overwhelming Congress majority. Further, at a public meeting in Delhi on July 22 Pandit Nehru reiterated that they were going to the Constituent Assembly to achieve their objective and to serve their purpose and if they failed they would kill it.

This was after the debate that took place in Parliament on July 18. This left no doubt that the Congress was going to the Constituent Assembly to achieve their objective as it has been repeatedly stated in the letters and the resolutions of the Congress. It made its intentions clear that it was not bound by the Grouping nor were they confined strictly to the basic form of the document and unequivocally asserted that they were free to enlarge the scope and powers of the Union and add as many subjects as they may wish to do to the Union Government.

We know what is the objective and purpose of the Congress. The Congress believe that they have secured a declaration from the British Government of complete independence of India outside the Commonwealth of Nations and that this constitution-making machinery should be turned into a sovereign body and the only thing for them now remains is to frame a constitution on the basis of a strong united India Federal Government with vital powers and subjects such as defence, foreign affairs, communications, customs, finance, commerce, planning, industry and tariff and further with power to step in when the constitution of any Provincial Government was not working according to their conception, thus reducing the provinces to a position no better than that of municipalities or county councils.

Mr. Patel says that no individual statement or expression of opinion could alter the solemn solution and the resolution is clear. But are we to disregard the pronouncement of the President of the Congress when he further clarifies a resolution ? Then what importance are we to attach to the individual pronouncements like Mr. Patel's ?

Mr. Patel says : 'The League and the Congress pull in opposite directions. One wants to divide India into Pakistan and Hindustan while the other yearns for a united India.' 'It was clear', Mr. Patel adds, 'that the two have no common meeting ground and that coali-

tion between the Congress and the League was impossible for the organisations were holding views which were diametrically opposed to each other.' But when we demand Pakistan and division of India into Hindustan and Pakistan our scheme gives freedom and independence to both the major nations—the Hindus and the Muslims—whereas the Congress and Mr. Patel are adamant and wish to establish a united India with a strong federal Central Government, which means that 100 million Muslims are to be brought under the yoke of Caste Hindu majority rule ; and it means freedom only for the Hindus and slavery for Muslims under Hindu *Raj*. I echo : 'How can then there be a common meeting ground on this basis for which, I have no doubt, many Caste Hindus passionately yearn and Mr. Patel dreams ?

Having declared that we stand poles asunder Mr. Patel advises me that I should change my approach and cease to be a communalist and become a nationalist—I suppose he means a Congress nationalist —and accept that the Co ngress represents all India, on the imaginary footing that India was one country and one nation, whereas the facts are that the Congress is nothing but a Caste Hindu organisation. But his advice that I should become a nationalist and cease to be a communalist means nothing except that I should bury the Pakistan demand, disown the Muslim nation and appear before him in sack cloth and ashes, and after that, when we have entirely thrown ourselves at their mercy, we can have as many seats in the proposed executive as we like, as their creatures.

Mr. Patel is speaking in terms of contradiction. On the one hand he says there is no meeting ground and coalition is impossible as we are poles asunder ; but on the other hand he says that the Congress had gone to my doors a hundred times. This is not true that I have never deigned to go to them. The truth is that three times in the course of the last eight years Mr. Gandhi came to me with a view to persuade me to accept the Congress demand which I could not. Does Mr. Patel want me to go to the Congress to persuade them to accept the Pakistan demand of the Muslims which he characterised in his speech as a deflated cycle tube ? Last time when Mr. Gandhi came to me he came only in his individual capacity, to understand what the Pakistan demand meant, and I spent three weeks with him to convert him but I failed.

This sort of talk is really intended to poison the mind of the Hindus and Mr. Patel is only suffering from inferiority complex. At Simla when it was arranged that Nehru and I should meet, I asked him where we can meet and he himself said, 'I shall go over to you'. When we met on May 11 during the conference time I pleaded

before him for one and a half hours and appealed to him to come to a settlement on the basis of Pakistan but he was adamant. Before parting with me I cautioned him that he should not be poisoned by taunts that he had come to my place and that I was not willing to go to his place. The place really does not matter and it is so petty to trot this out in a manner which Mr. Patel has done. I told Pandit Nehru that if after consulting his colleagues he wished to discuss the matter on the basis of Pakistan and gave me an appointment I would gladly go to his place or anybody else's place that he may wish.

Mr. Patel makes a passionate appeal; after having made it clear that there was no meeting ground, he invites me to sit with the Congress as brothers and join them to break the statement of the Mission. Well, we have already torn up the statement of May 16. He doubts our desire for freedom when he says that we should join hands with the Congress if we are keen upon freedom. And finally he says, 'When we have sit as brothers and if there is no agreement possible let the matter be referred to arbitration and let us abide by the award of the arbitrator.'

This proposal is made again to impress the ignorant public here and abroad that the Congress is so reasonable and so conciliatory but the Muslim League is intransigent. Mr. Patel knows perfectly well and I have pointed out more than once that the demand for Pakistan is based on the right of self-determination of the Muslims which is their birthright and it is not and cannot be a justiciable issue on principle alone. It is absurd to say that this matter particularly be referred to arbitration. Even on practical grounds who will select the arbitrators and who will enforce their award? No country can run its government unless its constitution is framed by the willing consent of the people concerned. For this very reason the Congress and the Muslim League had demanded Constituent Assemblies of the representatives of the people to frame the constitution.

Is Mr. Patel really serious? Then why talk of Constituent Assembly and why not refer the whole matter regarding the entire framing of the constitution to the arbitration of a few? Therefore the proposal of arbitration is ludicrous. Mr. Patel knows better than anybody else that it could not be accepted, both on grounds of principle and as a practical proposition.

Mr. Patel has now become the champion of the British whom he says I have traduced, and complains that I have abused the Congress. He does not specify what are those abuses.

I have certainly attacked and criticised the Congress and charged them with disrupting the Muslims and have exposed their false

claim that they represent all-India including Muslims, which certainly is not true. All my attacks and criticism have been in self-defence against the most aggressive and arrogant attitude of the Congress.

The Congress has made every effort to mislead people here and abroad aided with its vast and powerful press and organisation and has accused me and the Muslim League that we are a tool in hands of British imperialism : and not a day passes when the Congress press does not abuse the League and myself.

There are many inaccuracies in Mr. Patel's statement and they are merely intended as propaganda for the Congress, and to mislead the people abroad by passing off that their's was a conciliatory attitude whereas the League was intransigent."

Parliamentary Sub-Committee

"Resolved that a Parliamentary Sub-Committee consisting of Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel and Dr. Rajendra Prasad be appointed to keep in close and constant touch with the Congress parties in all legislatures, to advise them in all activities and to take necessary action in case of emergency."

W.C. : August 8-13, 1946 : Wardha : III.

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The Sikhs and the Constituent Assembly

"The Working Committee have learnt with regret of the decision of the Sikhs not to seek election to the Constituent Assembly. The Committee are aware that injustice has been done to the Sikhs and they have drawn the attention of the Cabinet Delegation to it. They are, however, strongly of opinion that the Sikhs would serve their cause and the cause of the country's freedom better by participation in the Constituent Assembly than by keeping out of it. The Committee, therefore, appeal to the Sikhs to reconsider their decision and express their willingness to take part in the Constituent Assembly. The Working Committee assure the Sikhs that the Congress will give them all possible support in removing their legitimate grievances and in securing adequate safeguards for the protection of their just interests in the Punjab."

W.C. : August 8-13, 1946 : Wardha : II.

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Summary of Proceedings of the Working Committee

Wardha, August 8-13, 1946

Congress and Constituent Assembly

"The Working Committee regret to note that the Council of the All India Muslim League, reversing their previous decision, have

decided not to participate in the Constituent Assembly. In this period of rapid transition from dependence on a foreign power to full independence, when vast and intricate political and economic problems have to be faced and solved, the largest measure of co-operation is called for, so that the change-over should be smooth and to the advantage of all concerned. The Committee realise that there are differences in the outlook and objectives of the Congress and the Muslim League. Nevertheless, in the larger interests of the country as a whole and of the freedom of the people of India, the Committee appeal for the co-operation of all those who seek the freedom and the good of the country, in the hope that co-operation in common tasks may lead to the solution of many of India's problems.

The Committee have noted that criticisms have been advanced on behalf of the Muslim League to the effect that the Congress acceptance of the proposals contained in the Statement of May 16th was conditional. The Committee wish to make it clear that while they did not approve of all the proposals contained in this statement, they accepted the scheme in its entirety. They interpreted it so as to resolve the inconsistencies continued in it and fill the omissions in accordance with the principles laid down in that Statement. They hold that provincial autonomy is a basic provision and each province has the right to decide whether to form or join a group or not. Questions of interpretation will be decided by the procedure laid down in the Statement itself, and the Congress will advise its representatives in the Constituent Assembly to function accordingly.

The Committee have emphasized the sovereign character of the Constituent Assembly, that is its right to function and draw up a constitution for India without the interference of any external power or authority. But the Assembly will naturally function within the internal limitations which are inherent in its task, and will therefore seek the largest measure of co-operation in drawing up a constitution of free India allowing the greatest measure of freedom and protection for all just claims and interests. It was with this object and with the desire to function in the Constituent Assembly and make it a success, that the Working Committee passed their resolution on June 26, 1946, which was subsequently ratified by the All India Congress Committee on July 7, 1946. By that decision of the A.-I.C.C. they must stand and they propose to proceed accordingly with their work in the Constituent Assembly.

The Committee hope that the Muslim League and all others concerned, in the wider interests of the nation as well as of their own, will join in this great task."

W.C. : August 8-13, 1946 : Wardha : I.

Communique of the Government of India, August 12, 1946

His Excellency the Viceroy, with the approval of His Majesty's Government, has invited the President of the Congress to make proposals for the immediate formation of an Interim Government, and the President of the Congress has accepted the invitation. Pandit Jawaharlal Nehru will shortly visit New Delhi to discuss his proposals with His Excellency the Viceroy.

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*Mr. Jinnah on the Congress Resolution, August 12, 1946**

"The entire scheme of the British Cabinet Mission consisted of the Long-term plan statements of 16th May and 25th May and the Short-term proposal of setting up the Interim Government and these two formed integral parts of the whole scheme and were inter-dependent and indivisible. The Muslim League accepted both whereas the Congress rejected the Interim Government proposal of 16th June and accepted the statement of 16th May conditionally with reservations and their own interpretations.

The Cabinet Delegation and the Viceroy scrapped the Interim Government proposal of 16th June and treated the Congress decision communicated to them on the 25th and 26th of June wrongly as acceptance. The so-called acceptance was, in fact, a rejection.

After that the Viceroy declined to postpone the election of the Constituent Assembly on the plea that arrangement for it had gone far too ahead. Although the arrangements with regard to the Interim Government were complete and the resignations of his then members of the Executive Council were held by him, and according to the statement of the 16th of June the Interim Government was to be set up on or about the 26th of June, yet it was scrapped. After this the Muslim League was free to take such decision as they thought proper as the entire basis of the scheme had fallen through. It was only the Council of the All-India Muslim League that could finally have decided our attitude and in these circumstances we summoned the Council of All-India Muslim League at Bombay on 27-29th July and they decided to withdraw our acceptance formally.

In the meantime we decided to contest the elections to the Constituent Assembly in order to prevent undesirable people getting in as Muslim representatives and we captured 95 per cent. Muslim seats. Meanwhile, before the Council of the League had met,

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*M. A. Jinnah made this statement in Bombay, *Quoted in* A.C. Banerjee's *The Making of the Indian Constitution*, 1939-1947, pp. 269-273.

Congress leaders including the President in their speeches at the All-India Congress Committee meeting on the 6th and 7th of July made their pronouncement which created grave apprehensions in the League circles, and these were expressed by Mr. Liaquat Ali Khan, Secretary of the All-India Muslim League, in his statement from Delhi and by me in my statement from Hyderabad on the 13th of July, notably with regard to the pronouncement of Pandit Jawahar Lal Nehru on the 10th of July at a press conference which left no doubt as the intentions of the Congress. Both these statements were broadcast in the press by news agencies.

The debate in the Parliament which took place on the 18th of July showed that the British Government approved of the scrapping of the Interim Government by the Cabinet Delegation and the Viceroy and paid no attention whatever to the new situation that had arisen, not only by pronouncements and clarifications and interpretation given by the Congress leaders which were published throughout the country, but also by the fact that the Assam Assembly, while electing the Assam representative to the Constituent Assembly, had, under the instructions of the Congress High Command, passed a resolution giving a mandate not only to the Congress members but also to the representatives of the Mussalmans elected by a separate bloc of Muslim members, to have nothing to do with the C Group from the very start. This clearly repudiated one of the fundamental terms of the statement of 16th May and this is an instance of how the majority acted although it is highly doubtful whether the Assam Assembly was competent to give such a mandate to the representatives to the Constituent Assembly.

The latest resolution of the Congress Working Committee passed at Wardha on the 10th August does not carry us anywhere, because it is only a repetition of the Congress stand taken by them from the very beginning, only put in a different language and phraseology. This is what they say with regard to their decision on the Long-term plan :

'The Committee further notes that criticisms have been advanced on behalf of the Muslim League to the effect that Congress acceptance to the proposals contained in the statement of May 16 was conditional. The Committee wish to make it clear that while they did not approve of all the proposals contained in this statement, they accepted the scheme in its entirety.'

The resolution further continues :—

'They interpreted it so as to resolve the inconsistency contained in it and fill the omissions in accordance with the principle laid down in that statement.'

Therefore, to start with, they are free to resolve the inconsistency and fill in the omissions. How can that be in accordance with the principle laid down in that statement ? What is the inconsistency and what are the omissions ?

The resolution proceeds further and says:

'They hold that provincial autonomy is a basic provision and each province has the right to decide whether to form or join a Group or not.'

Therefore they maintain that it is open to the Congress to decide whether any particular province could join the Group or not. But they go on to say :—

"The question of interpretation will be decided by the procedure laid down in the statement itself and the Congress will advise its representatives to the Constituent Assembly to function accordingly.'

Who will decide this question of interpretation and by what procedure and what is the procedure laid down in the statement for the purpose of interpreting the statement or any clause thereof except by the brute majority ? The resolution then goes on further :—

'The Committee have emphasised the sovereign character of the Constituent Assembly, that is, the right to function and draw up the constitution for India without the interference of any external power or authority, but the Assembly will naturally function within the internal limitations which are inherent in its task and will further seek the largest measure of co-operation in drawing up the constitution of free India, allowing the greatest measure of freedom and protection for all just claims and interests.'

Therefore it is obvious that they will hold that this constitution-making machinery is a sovereign Constituent Assembly but they resent any interference of any external power and authority. Whoever has suggested it and where has it been suggested ? The question is how this Assembly will function and they make it clear that it will do so with internal limitations in the statement of May 16th which could not be over-ruled by a sovereign Constituent Assembly. If any decisions are taken by this Assembly which are repugnant, *ultra vires* or incompetent for the Assembly to adopt, what is the check provided for it either internally or externally except again the brute majority in the Assembly ?

They conclude by saying that the resolution of the Working Committee passed on June 26 and confirmed by the A.-I. C. C. 'must stand and they propose to proceed accordingly with their work in the Constituent Assembly.' Therefore it is quite clear that there is no

change on the part of the Congress except the startling expression that they had accepted the scheme in its entirety which is immediately contradicted by what follows in the resolution and they have reiterated their repudiation of the Grouping and emphasised once more the sovereign character of the Constituent Assembly, which can only mean that it will not be bound by anything laid down in the statement of 16th May and would be free to decide every question by majority.

I need not deal with the rest of the resolution which is nothing but verbiage and an appeal to the League to join the battle of India's independence. But there is no doubt left as to India's independence now because the statement of May 16th, at any rate, makes it clear on the part of the British and Mr. Patel, in his recent speech in Bombay, said there was no need any longer to fight the British and that the only revolution that was needed was internal revolution with whom does the Congress ask us to join hands and for what purpose ?

I am afraid the situation remains as it was and we are where we were."

"The Panthic Pratinidhi Board* met on the 11th and 14th of August to consider the sitution created by events and developments that have taken place since July 5 when the Board reiterated its decision to boycott the Constituent Assemly. During this period, the Secretary of State for India during the debate in the House of Commons on July 18 made an appeal to the Sikhs to reconsider their boycott decision and His Excellency the Viceroy has also in his replies to communications from certain Sikh gentlemen expressed his willingness for the accommodation of the Sikh viewpoint. The main factor is, however, the resolution of the Congress Working Committee of August 9 in which the Congress has recognised that injustice has been done to the Sikhs by the Cabinet Mission's proposals and has declared that it will give all possible support to the Sikhs in redressing their legitimate grievances and in securing for the Sikhs adequate safeguards for protecting their interests. The Congress Working Committee has further appealed to the Sikhs to reconsider their resolution of boycotting the Constituent Assembly. This resolution of the Working Committee must be read along with the Lahore Congress resolution of 1929—that no solution of the communal problem in any future constitution would be acceptable to the Congress that did not give full satisfaction to the Sikhs—as well as with the recent speeches and statements of eminent Congress leaders

*_This is the Resolution_ the Panthic Board passed on 14th August 1946, in Amritsar on the Constituent Assembly.

to the effect that the Sikhs must be given similar safeguards as are provided to the two major communities in paras 15 and 19 of the Cabinet Mission Proposals."*

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*Viceroy's House Communique, August 24, 1946***

His Majesty the King has accepted the resignation of the present members of the Governor-General's Executive Council. His Majesty has been pleased to appoint the following ;

Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Dr. Rajendra Prasad, Mr. M. Asaf Ali, Mr. C. Rajagopalachari, Mr. Sarat Chandra Bose, Dr. John Mathai, Sardar Baldev Singh, Sir Shafaat Ahmad Khan, Mr. Jagjivan Ram, Syed Ali Zaheer and Mr. Cooverji Hormusji Bhaba.

Two more Muslim members will be appointed later. The Interim Government will take office on September 2.

The Government being swept away, or coming to terms with it, or the 'Direct Action' fails.

Mr. Jinnah refers to the use of British bayonets. May I repeat again what we have said frequently, that we want the British armed forces to be removed from India as soon as possible. The sooner they go the happier we shall be, because we do not wish to think in terms of bayonets, and certainly not in terms of British bayonets. I am sure that when British armed might is removed from India, it will be easier for all of us to face the realities in India and arrive at mutually advantageous agreements.....

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Extracts from Lord Wavell's Broadcast, August 24, 1946.

.....you who are opposed to the formation of the new Government are not, I assume, opposed to the main policy of His Majesty's Government, namely, to fulfil their pledges by making India free to follow her own destiny. You will also, I think, all agree that we need at once a Government of Indians as representative as possible of political opinion in the country. This is what I set out to secure ; but though 5 seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing constitution, it has not been possible at present to secure a coalition.

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*The Board decided to withdraw their previous resolution boycotting the Constituent Assembly.

**Banerjee, A.C. *The Making of the Indian Constitution*, 1939-1947, pp. 284-288.

Let me state clearly the offer which has been made and is still open to the Muslim League. They can propose to me five names for places in a Government of 14 of which 6 will be nominees of Congress and 3 will be representatives of the minorities. Provided these names are acceptable to me and approved by His Majesty, they will be included in the Government which will at once be re-formed. The Muslim League need have no fear of being outvoted on any essential issue ; a Coalition Government can only exist and function on the condition that both main parties to it are satisfied. I will see that the most important portfolios are equitably shared. I sincerely trust that the League will reconsider their policy and decide to participate in the Government.

Meanwhile, however, the administration of India has to go on, and there are large issues which must be decided. I am glad that the representatives of a very large body of political opinion in the country will be my colleagues in carrying on the government.....

..... I shall implement fully His Majesty's Government's policy of giving the new Government the maximum freedom in the day-to-day administration of the country. In the field of Provincial Autonomy, of course, the Provincial Governments have a very wide sphere of authority in which the Central Government cannot intervene. My new Government will not have any power or indeed any desire to trespass on the field of Provincial administration.

The War Member in the new Government will be an Indian, and this is a change which both the Commander-in-Chief and I warmly welcome. But the constitutional position of the armed forces is in no way changed. They still owe allegiance, in accordance with their oath, to the King-Emperor, to whom and to Parliament I am still responsible.

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It is desirable also that the work of the Constituent Assembly should begin as early as possible.

I can assure the Muslim League that the procedure laid down in the statement of May 16 regarding the framing of Provincial and Group Constitutions will be faithfully adhered to ; that there can be no question of any change in the fundamental principles proposed for the Constituent Assembly in paragraph 15 of the Cabinet Mission's statement of 16th May or of a decision on a main communal issue, without a majority of both major communities ; and that the Congress are ready to agree that any dispute of interpretation may be referred to the Federal Court. I sincerely trust that the Muslim League will reconsider their decision not to take part in a plan which

promises to give them so wide a field in which to protect the interests and to decide the future of the Muslims of India.

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Extracts from Mr. Jinnah's statement, August 25, 1946.

It is to be regretted that Viceroy, in his broadcast last night, should have made such a misleading statement and contrary to facts that, "though 5 seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under existing constitution, it has not been possible to secure a Coalition".

The truth is that the Viceroy wrote to me on July 22 making certain proposals which were vitally and substantially different from the Interim Government proposals embodied in the Statement of 16th June and the assurances given to the Muslim League, enclosing a copy of a similar letter addressed by him to Pandit Jawaharlal Nehru. This was on the eve of the meeting of the Council of the All-India Muslim League and the Viceroy knew fully well that a grave situation had been created and that there were serious apprehensions and misgivings about the policy of His Majesty's Government and his attitude in the matter.

Nevertheless, there is not a single word in his letter of 22nd July with regard to our position *vis-a-vis* the Constituent Assembly in the light of the decision of the Congress, the pronouncements of the Congress leaders and the directive given by the Assam Assembly to Assam's representatives on the Constituent Assembly to have nothing to do with the C Group.

I replied to the Viceroy on the 31st of July, clearly stating our position with regard to his new move which was obviously intended to meet the Congress wishes, for else what justification was there for him to depart even from the final proposals embodied in the Statement of June 16 ? Will the Viceroy explain why should there be any departure from those proposals and the assurances that were given to us and for whose advantage is this new move being made by him ?

I received a reply from him dated the 8th of August acknowledging my letter of 31st July ; it is amazing that he should have stated therein that his suggestion in his letter of 22nd July was the "same as the one Muslim League Working Committee accepted at the end of June, namely, 6 : 5." This is entirely incorrect as has been already pointed out by me in my letter of 31st July. He further says ; "In view of the League resolution of the 29th July I

have now decided to invite the Congress to make proposals for an Interim Government, and I am sure that if they make a reasonable offer to you of a coalition I can rely on you for a ready response".

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*Memorandum submitted by Master Tara Singh, leader of the Akali Party**

The position of the Minorities has changed since the Cripps Mission. As conceded by Mr. Attlee, Indians cannot be made responsible for governing themselves and at the same time power retained in the hands of an authority outside India for intervention on behalf of such Minorities for ensuring their proper treatment by the majority. This makes it all the more necessary for the Sikhs to safeguard in the Constitution itself their political status in the future policy of the country.

The draft declaration provides for the right of non-accession of Provinces. The Sikhs make it plain that they are opposed to any possible partition of India as envisaged in the draft declaration. As stated above, the Sikhs form a compact cultural nationality of about six millions. They further maintain that, judged by any definition or test, the Punjab is not only their homeland, but their holy land. They were the last rulers of the Punjab and before the advent of the British they enjoyed in the Punjab independent economic and political status which has gradually deteriorated under British rule.

They wish, however, to point out that, with the inauguration of provincial autonomy on the basis of the Communal Award, they have been reduced to a state of complete helplessness. If the existing provincial political set-up is continued, the transference of power to the people would perpetuate the coercion of the Sikhs under what in practice has come to be Muslim rule. That set-up is unjust to the Sikhs. Its working has meant Muslim communal rule in the Punjab which has almost exasperated the Sikhs to the point of revolutionary protest. The intervention of war conditions alone has been responsible for the Sikhs acquiescing temporarily in this communal tyranny. They cannot be expected to continue to submit to it as a permanent arrangement in any scheme of Indian polity.

Akali demands : The statutory Muslim majority in the Legislature of the Province must go and the position of the Sikhs must be strengthened by increased representation therein so as to ensure to the Sikhs an effective voice in the administration of the country.

**The Indian Annual Register* (1946) Vol. I, pp. 200-201.

In the alternative, out of the existing province of the Punjab a new Province may be carved out as an additional provincial unit in the united India of the future in such a way that all the important Sikh *Gurdwaras* and shrines may be included in it as also a substantial majority of the Sikh population in the existing Province of the Punjab.

The Sikhs cannot, however, be blind themselves to the fact that the Muslims have declared that they are a separate nation as distinct from the Sikhs, the Hindus and others, and that on that basis they are entitled to Pakistan. We have already expressed unequivocally our opposition to the establishment of such a state. In view of the rumours that are current we are obliged to take note of the possibility of the Cabinet Mission giving serious consideration to the Muslim League claim.

Before the Mission arrives at a decision on this question, we would emphasize that the Sikhs have as good a claim for the establishment of a separate sovereign Sikh state as the Muslims for Pakistan and that the Mission should not concede the claim for Pakistan without conceding at the same time the claim for a separate state made on behalf of the Sikhs. The Sikhs are in favour of a single constitution-making body in which they should be represented as already indicated above.

In case the Mission should think of taking into serious consideration the proposal that has been made for two constitution-making bodies, one for Pakistan and the other for the rest of India, we wish in the light of what has been said by us above, to make our position clear that there should be a separate constitution-making body also for the Sikh state.

Pandit Nehru on the Constituent Assembly,
*September 7, 1946**

"There has been much heated argument about Sections and Groupings in the Constituent Assembly. We are perfectly prepared to, and have accepted the position of sitting in Sections, which will consider the question of formation of Groups. I should like to make it clear on behalf of my colleagues and myself that we do not look upon the Constituent Assembly as an arena for conflict or for the forcible imposition of one view-point over another. That would not be the way to build up a contented and United India. We seek agreed and integrated solutions with the largest measure of goodwill behind them.

*Extracts from first broadcast as Vice-President of the Interim Government.

We shall go to the Constituent Assembly with the fixed determination of finding a common basis for agreement on all controversial issues. And so, in spite of all that has happened and the hard words that have been said, we have kept the path of co-operation open, and we invite even those who differ from us to enter the Constituent Assembly as equals and partners with us with no binding commitments. It may well be that when we meet and face common tasks our present difficulties will fade away."

Common Membership of Working Committee and National Interim Government

"The decision of the Working Committee at its last meeting as recorded in the minutes was reconsidered.

Regarding the desirability of the President continuing to hold office or not while being a member of the Interim Government, Pandit Jawaharlal Nehru expressed his inability to do so on personal grounds and so said that the question of giving any directive to the A.-I.C.C. did not arise ; and he would explain the situation to the A.-I.C.C.

In connection with the other question dealing with common membership, it was decided to adhere to the decision taken in the previous meeting and not to give any directive to the A.-I.C.C.

Taking note of this decision Pandit Govind Ballabh Pant sought permission to move a resolution in his personal capacity in the A.-I.C.C. ; which was granted." *W.C. Sept. 21-22, 1946 : Delhi : II.*

Extracts from the Proceedings of the Meerut Congress, November 11-13, 1946

Pandit Nehru's Speech, November 21, 1946.

I move a resolution for your acceptance. The resolution is this : "On the eve of the summoning of the Constituent Assembly to frame a constitution for India, this Congress declares that it stands for an independent sovereign Republic wherein all powers and authority are derived from the people, and for the constitution wherein social objectives are laid down to promote freedom, progress and equal opportunity for all the people of India, so that this ancient land attains its rightful and honoured place in the world and makes its full contribution to the promotion of world peace and the progress and welfare of mankind, and directs all Congressmen to work to this end."

This resolution is in the nature of a directive to Congress members of the Constituent Assembly. This is the first time that we use the words 'independent sovereign Republic' to describe our objective.

The resolution contains an indication that this Republic will have a Socialist basis.

* * *

The circumstances in which the Congress formed the Interim Government are generally known. With the League's entry into it, some of the conventions previously built up have been discarded. The Viceroy does not continue the spirit in which the Government was formed.

Two basic principles laid down in the formation of the Interim Government were, firstly, that it should work as a team, and, secondly, the Muslim League could only join it if it accepted the long-term plan. The League accepted both the principles although Mr. Jinnah used round-about phraseology, but now the League say that the Interim Government is neither a Cabinet nor a coalition and that the Muslim members form a separate bloc.

I have written to Mr. Jinnah suggesting that differences between the Congress and the League in the Interim Government should be settled by the mutual agreement without the Viceroy's intervention. But that suggestion remains unaccepted.

The Muslim League have always worked in league with the British Government to oppose nationalist forces in the country. That policy is still continuing and the British Government have taken advantage of it for their own ends. The League have allied themselves also with permanent officials, who consider that they have the right to rule over India.

Because of these differences I and my colleagues have threatened to resign twice during recent days. I want to say that our patience is strained to breaking point. And if these things continue, they will lead to a big struggle.

It is clear from Mr. Jinnah's statements that the League entered the Government not to work it but because they feared they would be weakened if they kept out. It is also clear from Mr. Jinnah's letters to the Viceroy that the League have not accepted the statement of May 16. If so, how can they continue in the Interim Government ?

It is absurd to go on breaking promises so often and expect that Government will go on. The Viceroy is gradually removing the wheels of the car. In any case, the situation is critical but nevertheless we must stay in the Interim Government, though I cannot say how long.

Mr. Jinnah has tried to get the Constituent Assembly postponed *sine die*. If it is so postponed now, it may be said to be postponed

for ever. I am not enamoured of this Constituent Assembly, but we have accepted it and should make the best use of it for our benefit. I do not expect that this will be the last Constituent Assembly. When our freedom becomes ampler we shall have another Constituent Assembly.

One good thing about this Constituent Assembly is that the British have no direct representation, though we cannot prevent their indirect representation in it. If we do not hold the Constituent Assembly now, the atmosphere will deteriorate. The League are welcome to join the Constituent Assembly, but let me make it clear that whether they come in or keep out, we shall go on. We will go to the Constituent Assembly, fully prepared and fully organised, to establish an independent Republic. We are not going in to fight over petty things.

* * * *

Extracts from Mr. Jinnah's Statement at Press Conference, Karachi, November 25, 1946

It is quite clear that the Congress has not and never had accepted the Long Term plan embodied in the statement of the Cabinet Mission of the 16th May and clarified by their statement of May 25th....

Further, I have never for a single moment conveyed to the Viceroy anything by way of assurances or otherwise, except that the Long Term plan could only be considered and decided by the Council of the All-India Muslim League. From the very beginning until we nominated our five representatives I told the Viceroy that the settlement of the Long Term plan could only be taken up when a proper friendly atmosphere was created between the two major organisations. The Congress has not budged an inch and the Viceroy repeatedly made it clear to me that it was no use discussing this matter further with any hope of persuading the Congress to make an unequivocal statement accepting the Long Term plan as embodied in the statements of 16th and 25th May.

* * * *

Statement Of Lord Pethic Lawrence, House Of Lords, November 27, 1946

The British Government have invited Lord Wavell to come to this country for consultation with regard to the political situation in India and have requested him to invite two representatives of the Indian National Congress, two representatives of the Muslim League and one representative of the Sikh community to accompany him.

* * * *

The House will be aware that Mr. Jinnah has stated that Muslim League representatives will not attend the Constituent Assembly as set up on the basis proposed by the Cabinet Mission which is due to meet on December 9.

This situation is mainly due to differences in view between the Congress and the Muslim League as to the interpretation of certain provisions in the Cabinet Mission's statement of May 16.

The purpose of the proposed discussions is to endeavour to reach a common understanding between the two major parties on the basis on which the work of the Assembly can proceed with the co-operation of all parties.

Statement of the British Government

*December 6, 1946**

"The conversations held by His Majesty's Government with Pandit Jawaharlal Nehru, Mr. M. A. Jinnah, Mr. Liaquat Ali Khan and Sardar Baldev Singh came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow morning.

The object of the conversations has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It is not expected that any final settlement could be arrived at, since the Indian representatives must consult their colleagues before any final decision is reached.

The main difficulty that has arisen has been over the interpretation of Paragraph 19 (5) and (8), of the Cabinet Mission's Statement of May 16, relating to meetings in Sections, which runs as follows :—

"19. (5) :—'These Sections shall proceed to settle Provincial Constitutions for the Provinces included in each Section and shall also decide whether any Group Constitution shall be set up for those Provinces and if so with what Provincial Subjects the Group should deal. Provinces should have power to opt out of the Groups in accordance with the provisions of Sub-Clause (8) below.'

Paragraph 19 (8) :—

'As soon as the new constitutional agreements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the Legislature of the Province after the First General Election under the New Constituent Assembly.'

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*Banerjee, A.C. *The Making of the Indian Constitution*, 1939-47 pp. 309-312.

The Cabinet Mission have throughout maintained the view that decisions of the Sections should, in the absence of an agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the Statement, read as a whole, is that the Provinces have the right to decide both as to Grouping and as to their own constitutions.

His Majesty's Government have had legal advice which confirms that the statement of May 16 means what the Cabinet Mission have always stated was their intention. This part of the statement, as so interpreted, must, therefore, be considered an essential part of the Scheme of May 16 for enabling the Indian people to formulate a constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly.

It is, however, clear that other questions of interpretation of of the Statement of May 16 may arise and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly, they will also agree, as have the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such a decision, so that the procedure, both in the Union Constituent Assembly and in the Sections, may accord with the Cabinet Mission's Plan.

There has never been any prospect of success for the Constituent Assembly except upon the basis of the agreed procedure. Should the Constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government could not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country."

* * * *

"The Working Committee appointed a Parliamentary Sub-Committee of which the following are its members: (1) Acharya J.B. Kripalani, (2) Maulana Abul Kalam Azad, (3) Sardar Vallabhbhai Patel, (4) Dr. Rajendra Prasad, (5) Shri Shankarrao Deo. Shri Shankarrao Deo was appointed as the Secretary of the Committee. It was decided that the office of the parliamentary sub-committee be located in the A.I.C.C. Office." *W.C. ; Dec. 8-23, 1946 ; Delhi ; II.*

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Summary of Proceedings of the Working Committee

Delhi, December 8-22, 1946

President of the Constituent Assembly

"The Assembly was due to meet on December 9, 1946 at New Delhi. After transacting some formal business under the Chairmanship of a temporary Chairman it was required to elect its permanent President. It was the general feeling among Congress members of the Constituent Assembly that this high office should go to one who commanded universal respect. The Working Committee decided to recommend the name of Dr. Rajendra Prasad for permanent presidentship to the Congress Party of the Constituent Assembly. The Working Committee's recommendation was unanimously accepted by the Congress Party. The Constituent Assembly unanimously elected Dr. Rajendra Prasad as its permanent President."

W.C. : Dec. 8-23, 1946 : Delhi : I.

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Debate in the House of Commons,

December 11-13, 1946

Mr. Attlee's Statement, December 11, 1946

The House will have seen that the conversations with Indian leaders which took place during last week have unfortunately ended without an agreement being achieved.

As the House knows Government issued a statement at the conclusion of the conversations but members will, no doubt, wish to have some account of the present situation.

It will be remembered that on May 16 last, the Cabinet Mission made proposals which, it was hoped, would bridge the gap between the Hindu and Muslim points of view and enable Indians to frame their own constitution by the accepted democratic method of Constituent Assembly.

In order to provide the most hopeful basis for co-operation in constitution-making, the Cabinet Mission found it necessary to recommend both the outline of the future constitution for India and the particular procedure by which details might be elaborated.

The essence of their proposals was that while there would be a Union of India limited to Foreign Affairs, Defence and Communications, there would be an opportunity by the adoption of a particular procedure in the Constituent Assembly for the Provinces to form Groups for the administration of such subjects as it was decided should be dealt with in common.

To provide this opportunity the Mission proposed that the Constituent Assembly, after preliminary meeting to decide the order

of business, should divide up into Sections, two of which cover Provinces which, the Muslim League claims, should constitute Pakistan.

These Sections would settle provincial constitutions and decide whether a Group constitution should be framed for the Provinces within the Section and if so for what subjects.

Individual Provinces would be free to opt out of a Group after the first election under the new constitution. The intention of the Mission was that the decisions of Sections should be taken by a majority vote.

Subsequently, difference of opinion developed between the Congress Party and the Muslim League as to the meaning of the Cabinet Mission's Statement on the question of procedure within the Sections of the Constituent Assembly and it was largely because of misgivings in regard to this that the Muslim League withdrew its acceptance of the Cabinet Mission's plan at the end of July last.

The Congress view is that Provinces have the right to decide both as to Grouping and as to their own constitutions and that, therefore, decisions in the Sections cannot be by simple majority vote. The Congress, however, have stated that they are prepared to accept the ruling of the Federal Court as to the proper interpretation of the Cabinet Mission's Statement.

It was mainly in the hope of resolving the difference of view on this matter that the British Government invited the Indian representatives to come to London.

We had very full and friendly discussions with Indian representatives, but I regret to say that up to the present we have not succeeded in resolving this difficulty. Consequently, the Constituent Assembly which was summoned to meet in India last Monday is holding its preliminary session without representation of the Muslim League.

In the statement which the Government issued at the conclusion of the conversations, we have said that we have had legal advice which confirms that the Statement of May 16 means what the Cabinet Mission have always said was their intention, namely, that voting in Sections should be by a majority vote. This is the view which is accepted by the Muslim League and on the basis of which they originally accepted the Cabinet Mission's proposals.

From their point of view, this is an essential element in the plan because if the agreement of all provinces within a Section is required to the framing of a Group constitution, it is probable that the opposition of some of the smaller Provinces will prevent Group constitutions being framed.

The intention of the Cabinet Mission was that while an individual province might be outvoted in a Section, its freedom would be safeguarded by the right to opt out of the Group after the constitution had been framed.

His Majesty's Government feel that all parties of the Constituent Assembly should agree to work the scheme in the way intended by the Cabinet Mission but if the Constituent Assembly desires that this fundamental point should be referred for a decision of the Federal Court, such a reference should be made at a very early date so that the decision can be known before the meetings of the Sections of the Constituent Assembly take place.

It may seem to the Honourable members that these differences as to matters of procedure are of small importance in relation to the paramount need for securing a constitution for India which has the widest possible measure of consent.

A peaceful transfer of power to an Indian Government freely set up by agreement among Indians is a matter of supreme importance, not only for India, but for Asia and the world as a whole.

But it must be remembered that representatives who came to London were not in a position to commit their parties and that the issues stir deep and passionate feelings. Time must be given for the parties, after full debate, to decide their attitude.

It may also be that the subject will come under consideration by the Federal Court. In these circumstances, Government feel that a general debate on Indian affairs at the present time would be inopportune and might destroy the prospect of settlement.

I am sure, I am speaking for all parties in this House in making an appeal to all communities in India to co-operate in framing a constitution which, because it is based on consent, will be welcomed by all and worked in a co-operative spirit.*

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Statement and Speech of Lord Pethick-Lawrence in the House of Lords, Dec. 11-16, 1946

On December 11, 1946, Lord Pethick-Lawrence made a statement identical with that made by Mr. Attlee in the House of Commons on the same date.

Replying to Viscount Simon's speech Lord Pethick-Lawrence said, on December 16, 1946, that there was almost complete unanimity throughout Britain on the main issue that the time had come for Indians to have independence, whether within or without the British Commonwealth according to their desire.

*On Mr. Churchill's demand a debate on India was agreed to.

That being so, it was no longer possible for this country to frame a constitution for India, still less to impose one. Their constitution must be made by Indians for Indians and must command the consent of the major communities and be fair to the minorities generally.

The Cabinet Mission recommended what they considered the most hopeful method for constitution-making. But the Government had made it clear that no minority should be able to place a veto on the advance of the majority.

"I would refer Viscount Simon to the last paragraph of the statement of December 6. The Government have nothing to add to it."

Lord Pethick-Lawrence added : "Although the parties took part in the election of the Constituent Assembly, it is well-known that the Muslim League representatives are not taking seats at the preliminary sittings which are now being held and which are, therefore, clearly not representative of the two major communities. The British Government still hope that before the meetings of the Sections take place, it will become so representative.

With that object in view they do not think it desirable to make any statement on the hypothetical question beyond that which they have made already.

I turn now to the suggestion relating to the function of the Constituent Assembly under normal conditions. Viscount Simon asked whether the Assembly now sitting at Delhi is restricted in its endeavour to frame a constitution to the basic form recommended by the Mission."

"Under the Cabinet Mission's proposals," Lord Pethick-Lawrence said, "the Constituent Assembly cannot frame a constitution which departs from the form recommended by the Mission unless agreed upon with the approval of the majority of representatives of each major party.

It is provided that any resolution varying the provisions of paragraph 15 or raising any communal issue shall require a majority of representatives present and voting of each of the major communities.

A reference has been made to a speech by Pandit Nehru at Benares.* I would not minimise the gravity and importance of the

*Jawaharlal Nehru delivered this speech on December 15, 1946 in the Town Hall of Benares

remarks attributed to him. I should be inclined to think that the speech at Benares was a political rejoinder to a very provocative speech made only a few days ago in the House of Commons.

Be that as it may, I can say that the position of the Government remains unchanged."

"Our intentions stand", Lord Pethick-Lawrence declared, "our conviction stands that only on a fast agreement can a stable constitution be created. Our intention remains to do all in our power to bring the parties together."

Lord Pethick-Lawrence shared the appeal made by Lord Simon both to the Muslims and the Congress to find accommodation which would enable them to sit together in the Constituent Assembly and create a situation which would command the support of all sides.

Dealing with the proposals for the setting up of Sections, he said that the question at issue was as to vote between different provinces in the Sections. It was to resolve this issue that the Indian leaders were invited to this country, regarding which visit the British Government issued their statement on December 6.

He added : "I should like to make it quite plain that the British Government do not consider that this issue is one which, it is desirable, should be referred to the Federal Court.

The statement of December 6 makes this clear and also the interpretation which the British Government themselves hold. The view of the Government is that this interpretation should be accepted by all parties. They only mention the matter of the Federal Court because the Constituent Assembly is to refer the issue to the Federal Court. That was the view expressed by the Congress. It should be done without delay."

Continuing he said, "I wish to make it quite clear that His Majesty's Government stand by their interpretation of the statement of May 16 as set out in that statement and that they will by no means depart from it even if the Federal Court should be appealed to. I hope agreement may yet be reached in a way which will allay fears of both parties."

Lord Pethick-Lawrence said that it must be obvious to all that no constitution could be successfully brought into being and survive unless it was based on mutual consent.

There was anxiety in certain quarters, he said, whether the majority in a Section might not impose a provincial constitution on a province contrary to the wishes of the inhabitants and of such a character as to prevent the wishes of the majority of the inhabitants prevailing in the decision whether or not to stand out of a Group.

He was sure that neither side had any wish that this should take place and he saw no reason why the two major communities should not come to agreement between themselves which would avoid any danger of that happening.

Lord Pethick-Lawrence said that the manner in which the seats representing the States should be filled in the Constituent Assembly was to be negotiated between a committee appointed by the Indian States and a committee appointed by the British India side of the Constituent Assembly. The States had appointed their Committee and when the Committee had been appointed by the British India part of the Assembly, negotiations could begin.

The Cabinet Mission had made it clear, and the British Government had since reiterated, that they could not in any circumstances transfer paramountcy to the India Government. The position would be that, when British authority had withdrawn from free India, the powers of paramountcy would lapse, and as a necessary corollary, the obligations of the States to the Crown would lapse also.

Dealing with the Cabinet Mission's proposal that an advisory committee should be constituted to make representations as to the minorities, Lord Pethick Lawrence said that the committee would be an authoritative body representing both the minorities themselves and the leading experienced statesmen from India. It seemed to the British Government that as all parties in India were anxious that minorities should have due protection, recommendations of such committee should not be disregarded.

Concluding, Lord Pethick-Lawrence appealed to those taking part in the debate to make full allowance for the inherent difficulties. He was not pleading, he said, for indulgence for himself or the British Government. The House was fully entitled to make such criticism of them as they thought fit. He was pleading for the Indian leaders who had recently come to London—his friends, as he was sure they would allow him to call them. They were all men with very heavy responsibilities, who were spokesmen for large masses of their fellow countrymen and women whom they have to carry with them in any approach to a settlement. He was sure the House had no wish to say anything which might make it more difficult for these men to come together.

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*Speech of Sir Stafford Cripps, December 12, 1946**

Sir Stafford Cripps opened a two-day debate on India. It began by moving the following motion :

*A. C. Banerjee. *The Making of the Indian Constitution*, 1939-1947, pp. 339-347.

"That this House takes note of the statement on India made on December 11 by the Prime Minister and expresses its hope that a settlement of the present difficulties between Indian parties will be forthcoming."

Declaring that Britain had now, for over a century and a half, been intimately associated with the development of India, Sir Stafford Cripps said : "We have been largely responsible for shaping her destiny and deciding the course of her history. Whether we have conducted ourselves well cr ill, we have carried the responsibility in a large measure and today we find that India and her people, like ourselves, are confronted with the most grave problems that arise out of that historical development.

Do not let us under-estimate the difficulty of its solution. It is sometimes suggested that but for the intransigence of this or that Indian party the matter could be easily solved. That, I do not think, is in accordance with the true situation. Everyone, who has shared in the responsibility for the past of India, must likewise share in the responsibility for the present and we as a people share that responsibility and that is why we are, all of us, most anxious to find a way out of these present difficulties."

The time had now come, said Sir Stafford Cripps, when Britain wanted to hand over power to the Indian people. The difficulty was how to accomplish that objective.

There were two principles, both democratically sound, but which were very hard to match together in a single process.

The first was the right of the majority to determine its own future without any veto or prohibition from any minority. The second was the right of minorities to enjoy freedom and a full voice in the determination of their own future without suppression by the majority.

"The only way in which these two rights can be worked out is in democratic assembly where there is give and take. We know in this House of Commons a degree of tolerance between the parties.

The fundamental difficulty, I believe, in India today is that the principal bodies have not shown themselves prepared to trust one another or work together on a democratic basis.

Deep-seated contention, accentuated by the approach of handing over of power, has bitterly separated those, who alone can determine the future of India. There is no use our girding at the facts of history. We must try to overcome or get round them."

Loud cheers greeted a tribute by Sir Stafford Cripps to

Viceroy of India, Lord Wavell, for his "hard and unceasing labour" in the task of forming the Interim Government.

After recalling the events which had led up to this event Sir Stafford Cripps said : The Government is functioning satisfactorily to-day and there have been, I am glad to say, no major difficulties within the Government itself. Unfortunately, the position is not helped by speeches made in the country by the supporters of the two parties. It is difficult, as members of the Opposition know, if not impossible, to maintain unity within a Coalition Government if an active and bitter struggle is proceeding throughout the country between partisans of the two sides to that coalition."

Sir Stafford Cripps declared that the position had, of course, been made far worse by the outbreak of violence on a large scale throughout many provinces. It was right to say, Sir Stafford Cripps added, that the leaders on both sides had roundly condemned these disturbances and had tried by visiting the areas and otherwise to influence their followers to a more calm and less violent frame of mind.

Referring to the riots, Sir Stafford Cripps said : "This terrible toll of casualties is an index of the intensity of the communal feeling that has come into being and though it will be deplored by everyone, who has the interest of India at heart, nevertheless it is a stark and naked fact. It settles nothing. Indeed it only makes settlement more difficult, but is a factor none of us can ignore."

Sir Stafford Cripps recalled that riots broke out in Calcutta after the Muslim League decision to set aside August 16 as Direct Action Day. These riots, he said, shocked the whole of the world by their intensity. He referred to the death-roll of some 4,000 and of 10,000 injured.

Next came the outbreaks in Eastern Bengal, when gangs of hooligans carried the reign of terror into those parts with the result that 50,000 evacuees were driven out and some 200 deaths caused. This was accompanied by abduction, rape and forced conversions and as a result wild rumours circulated, greatly exaggerating that conduct which was already bad enough.

"Even worse violence and murder broke out in Bihar and spread to the United Provinces. It was not possible to give the casualties in Bihar with any accuracy. It was probably not an exaggeration to put the dead alone at 5,000. It was estimated that since September 1, there had been 445 deaths due to serious rioting in the United Provinces."

Referring to the visit of Indian leaders to London, Sir Stafford

Cripps said that it was hoped that even at that eleventh hour some accommodation might be possible in the calmer atmosphere of London. The leaders at these meetings on both sides stated that they genuinely desired co-operation in the Constituent Assembly and that they realised that some agreement between the parties was essential as the basis for the happy and progressive future of India. Nevertheless, they were unable to come to any agreement as to how the Constituent Assembly should proceed.

Sir Stafford Cripps declared : "The object of the Cabinet Mission was to find means whereby they could balance the desire of the Congress for a strong unitary Federation on the one hand with the Muslim League's desire for autonomy on the other. That balance was obtained by a limited centre, the constitution of which was to be worked out by a Constituent Assembly, in which the Congress would have a clear majority on the basis of population on which it was constituted on the one side, and Sections B and C in which the Muslims would have their majority on the other hand ; and in which, of course, provincial constitutions, and if so decided Group constitutions, could be worked out for the two groups of provinces. Thus each party had a majority where it was most deeply interested. It was, however, provided that no province could be forced into a Group against its will."

Sir Stafford Cripps added that the dispute which arose, as to how the decision should be arrived at in the Sections, was already a matter of difference when the Mission was in India. Could a province vote itself out of a Group and itself determine its own constitution for the province or were both these matters to be decided by a simple majority of the Section ?

The latter view was clearly the correct one in the opinion of the Cabinet Mission, His Majesty's Government and their legal advisers ; and this view was supported by the Muslim League.

Sir Stafford continued : "The Congress took the contrary view. The Congress held that they were prepared to submit this question of interpretation to the Federal Court and accept its decision, but on this, to them, a fundamental point, the Muslim League were not prepared to take that risk. There the matter still remained."

Sir Stafford Cripps said that the Government had asserted definitely their understanding of the document and had stated that if the Constituent Assembly desired to refer the matter to the Federal Court then they hoped they would do it quickly so as to remove any doubts in their minds.

But the Government also had to envisage the possibility

in the Clause in the final paragraphs of the Statement. This was perhaps a statement of the obvious—that if the Muslim League could not be persuaded to come into the Constituent Assembly, then parts of the country where they were in a majority could not be held to be bound by the results. That position had always been realised by the Congress who had repeatedly said that they would not coerce unwilling areas to accept the new constitution.

Sir Stafford Cripps continued : "I do not wish the House to gain the impression that the position is therefore hopeless.

We understand that Mr. Jinnah is prepared to put the matter before his Council with a view to ascertaining whether on the basis of the statement of December 6 they are now prepared to enter the Assembly and we hope that the Constituent Assembly will show their statesmanship and desire for accommodation with the Muslim League by not committing themselves irrevocably to anything that will make it more difficult for the Muslim League to come in at a later date.

For the moment, therefore, I cannot take that matter any further.

It is perhaps a little unfortunate that at this tense and delicate moment we should have been induced to stage a debate in this House."

Mr. Churchill : "Are we doing any harm now ?"

Sir Stafford Cripps : "I hope not. We still have hope that despite the mutual fears and suspicions which reign, the two parties may eventually find themselves side by side in the Constituent Assembly and in Sections, for we are as convinced now as we have ever been, that it is by such co-operation that a satisfactory new constitution for India can be hammered out."

Sir Stafford Cripps told the House how matters stood with the States and the minorities.

"Regarding Indian States, the Cabinet Mission laid down two principles as to the relationships of States to the Crown during this period of transition, the first, that during the transitional period of the Interim Government paramountcy would remain with the British Crown. The British Government could not and would not, in any circumstances, transfer that paramountcy to any other Government of British India.

Second, that when the transfer of power takes place in British India, then, if I may quote, 'as logical consequence and in view of desires expressed to them on behalf of Indian States, His Majesty's Government will cease to exercise powers of paramountcy'."

Sir Stafford Cripps said that this quotation was in the Statement made to the States while the Cabinet Mission was in India.

He added : "This means that the rights of the States, which flow from their relationship to the Crown, will no longer exist and that the rights surrendered by the States to the paramount power will return back to the States again."

Proposals were also put forward as to the participation of representatives of the States in the Constituent Assembly and also for a Negotiating Committee representing the States which could settle outstanding matters with the representatives of major communities in British India.

These arrangements were welcomed by the Standing Committee of the Chamber of Princes in a Press statement on June 19 and the Negotiating Committee has now been set up. In that Statement they expressed the view that the Mission's plan provided the necessary machinery for attaining by India of independence, as well as a fair basis for future negotiations.

Not unnaturally Indian States are most anxious that all major communities should be represented in the Constituent Assembly as they do not wish to be in the position of having to deal with one community only. Their ability, indeed, to co-operate must depend to some extent on what happens as regards the entry of the Muslims into the Constituent Assembly."

Dealing with the minorities, Sir Stafford Cripps said that it would be remembered that in the proposals of 1942, it was laid down that one of the conditions of acceptance by Britain of the new constitution was that there should be a treaty which, among other things, would contain a provision for the protection of minorities.

"In the proposals of the Cabinet Mission this year the conditions of minorities were stated differently. That is, it was stated that a satisfactory provision for their protection should appear in the constitution and this we believe to be a more effective way and indeed, it is in line with the demands put forward by Dr. Ambedkar to the Viceroy in 1942 when he stressed the ineffectiveness of treaty protection and the need for incorporation of protective provisions in the constitution itself.

The second point of interest is the provision suggested by the Mission for seeing that proper protection of minorities should be incorporated in the constitution.

At first sight, it might appear that this could be done by giving them weightage in the Constituent Assembly. But when the position is examined, it will be found that if sufficient weightage is

given to make the representation really effective for each of the minorities in the Constituent Assembly or in the Sections, then it places the majority parties in an impossible position.

It would, for instance, deprive the Muslims of their majority in Sections B and C. In fact, quite a lot of minority representatives have been elected to the Constituent Assembly owing to proportional representation and with some assistance from the major parties. There are six Indian Christians, three Anglo-Indians, 29 Scheduled Castes of Congress sponsoring and two of other sponsoring. The Sikhs, of course, have been dealt with as a major party in the Punjab, which is their stronghold, and they themselves have elected their own quota of representatives.

The Mission felt this was not in itself enough and so proposed an advisory committee on, among other things, minorities to attain full representation of all minorities, especially those not otherwise represented in the Assembly and it was the intention that this should be an authoritative body, whose recommendations would carry weight both with the Assembly and the Sections.

Those are the general provisions with regard to the minorities.

I would mention two of the special cases, Sikhs and the Depressed Classes. The position of the Sikhs is a very difficult one, because they do not have majority in any single province or area of the country and it is, therefore, impossible to devise any method of giving them any form of autonomy.

They are, however, a very important community, almost entirely centred in the Punjab.

They wished that in the Section which contained the Punjab they should be given the right to veto any provision which affected their community, just as the Muslim League has such right in the Constituent Assembly itself. That was not possible, because a similar right would have had to be given to the other minorities and if two such vetoes had existed it would have been a certainty that the Section would not have arrived at any decision at all. By avoiding partition which would have divided the Sikhs into two halves they were saved a worse solution from their point of view. The Sikhs were not perhaps in so bad a position as they have thought. Both the other two communities must be anxious for their support. If that very valiant community will exercise patience they will find they will come very well out of it."

Regarding the Scheduled Castes, Sir Stafford Cripps said, as it turned out, they had got two representatives in the Interim Government, one from the Congress organisation and one (Inde-

pendent) from Bengal who was in fact a sympathiser with Dr. Ambedkar's federation.

In the Constituent Assembly, there were 29 Congress representatives of the Scheduled Castes and two others. He hoped representation would be given to both the organisations in the Advisory Committee on minorities.

The 'Objectives Resolution' of the Constituent Assembly

The Resolution*

This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution ;

Wherein the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all ; and

Wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom ; and

Wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people ; and

Wherein shall be guaranteed and secured to all the people of India justice, social, economic and political : equality of status, of opportunity, and before the law : freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality ; and

Wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes ; and

Whereby shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilised nations ; and

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*It was moved by Jawaharlal Nehru on December 13, 1946.

This ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

Speech of Pandit Jawaharlal Nehru, December 13, 1946.

This Constituent Assembly has now been in session for some days. It has done much formal business, but more is yet to be done. We have been cutting our way and clearing the ground on which we intend to erect the edifice of a constitution. It, however, seems proper that before we proceed further we should clearly understand where we are going and what we intend building. It is apparent that on such occasions details are unnecessary. In building, you will, no doubt, use each brick after mature consideration. Usually, when one desires to construct a building, one must have a plan for the structure that one wishes to erect ; and then collect the material required. For a long time we have been having various plans for a free India in our minds, but now, when we are beginning the actual work, I hope, you will be at one with me when I say, that we should present a clear picture of this plan to ourselves, to the people of India and to the world at large. The Resolution that I am placing before you defines our aims, describes an outline of the plan and points the way which we are going to tread.

You all know that this Constituent Assembly is not what many of us wished it to be. It has come into being under particular conditions and the British Government have a hand in its birth. They have attached to it certain conditions. We accepted the State Paper, which may be called the foundation of this Assembly, after serious deliberations and we shall endeavour to work within its limits. But you must not ignore the source from which this Assembly derives its strength. Governments do not come into being by State Papers. Governments are, in fact, the expression of the will of the people. We have met here today because of the strength of the people behind us and we shall go as far as the people —not of any party or group, but the people as a whole—shall wish us to go. We should, therefore, always keep in mind the passions that lie in the hearts of the masses of the Indian people and try to fulfil them.

I am sorry there are so many absentees. Many members who have a right to come and attend the meeting are not here to-day. This, in one sense, increases our responsibility. We hall have to be careful that we do nothing which may cause uneasiness in others or goes against any principle. We do hope that those who have abstained, will soon join us in our deliberations, since this Constitution can only go as far as the strength behind it can push it. It has ever been and shall always be our ardent desire to see the people of India united

together so that we may frame a constitution which will be acceptable to the masses of the Indian people. It is, at the same time, manifest that when a great country starts to advance, no party or group can stop it. This House, although it has met in the absence of some of its members, will continue functioning and try to carry out its work at all costs.

The Resolution that I am placing before you is in the nature of a pledge. It has been drafted after mature deliberation and efforts have been made to avoid controversy. A great country is sure to have a lot of controversial issues ; but we have tried to avoid controversy as much as possible. The Resolution deals with fundamentals which are commonly held and have been accepted by the people. I do not think this Resolution contains anything which was outside the limitations laid down by the British Cabinet or anything which may be disagreeable to any Indian, no matter to what party or group he belongs. Unfortunately, our country is full of differences, but no one, except perhaps a few, would dispute the fundamentals which this Resolution lays down. The Resolution states that it is our firm and solemn resolve to have a Sovereign Indian Republic. We have not mentioned the world 'Republic' till this time ; but you will well understand that a free India can be nothing but a republic.

On this occasion, when the representatives of the Indian States are not present, I desire to make it clear how this Resolution will affect the Indian States. It has also been suggested, and the suggestion may take the form of an amendment laying down that since certain sections of the House are not present, the consideration of the Resolution may be postponed. In my opinion, such an amendment is not in keeping with the spirit of the times, because if we do not approve the first objective that we are placing before overselves, before our country and before the world at large, our deliberations will become meaningless and lifeless, and the people will have no interest in our work. Our intention regarding the States must be clearly understood. We do desire that all sections of India should willingly participate in the future Indian Union, but in what way and with what sort of Government rests with them. The Resolution does not go into these details. It contains only the fundamentals. It imposes nothing on the States against their will. The point to be considered is how they will join us and what sort of administration they will have. I do not wish to express my personal opinion on the matter. Nevertheless I must say that no State can have an administration which goes against our fundamental principles or gives less freedom than obtaining in other parts of India. The Resolution does not concern itself with what form of Government they will have or whether

the present Rajas and Nawabs will continue or not. These things concern the people of the States. It is quite possible that the people may like to have their Rajas. The decision will rest with them. Our Republic shall include the whole of India. If a part within it desires to have its own type of administration, it will be at liberty to have it.

I do not wish that anything should be added to or subtracted from the Resolution. It is my hope that this House will do nothing that may appear improper, so that, at no time, should people, who are concerned with these problems but who are not present here, be able to say that this House indulged in irregular talk.

I desire to make it clear that this Resolution does not go into details. It only seeks to show how we shall lead India to gain the objectives laid down in it. You will take into consideration its words and I hope you will accept them ; but the main thing is the spirit behind it. Laws are made of words but this Resolution is something higher than the law. If you examine its words like lawyers you will produce only a lifeless thing. We are at present standing midway between two eras, the old order is fast changing, yielding place to the new. At such a juncture we have to give a live message to India and to the world at large. Later on, we can frame our Constitution in whatever words we please. At present, we have to send out a message to show what we have resolved to attempt to do. As to what form or shape this Resolution, this declaration, will ultimately take, we shall see later. But one thing is, however, certain : it is not a mere legal matter but something that will give inspiration to the human mind. It is an undertaking with ourselves and with the millions of our brothers and sisters who live in this great country. If it is passed, it will be a sort of pledge that we shall have to carry out. With this expectation and in this form, I place it before you. You have copies of it in Hindustani with you. I will, therefore, not take more of your time to read it out to you. I will, however, read it in English and speak further on it in that language.

* * * *

I beg to move :

Sir, this is the fifth day of this first session of the Constituent Assembly. Thus far we have laboured on certain provisional and procedural matters which are essential. We have a clear field to work upon ; we have to prepare the ground and we have been doing that these few days. We have still much to do. We have to pass our Rules of Procedure and to appoint Committees and the like, before we can proceed to the real step, to the real work of this Constituent Assembly, that is, the high adventure of giving shape, in the printed

and written word, to a Nation's dream and aspiration. But even now, at this stage, it is surely desirable that we should give some indication to ourselves, to those who look to this Assembly, to those millions in this country who are looking up to us and to the world at large, as to what we may do, what we seek to achieve, whither we are going. It is with this purpose that I have placed this Resolution before this House. It is a Resolution and yet, it is something much more than a resolution. It is a Declaration. It is a firm resolve. It is a pledge and an undertaking and it is for all of us, I hope, a dedication. And I wish this House, if I may say so respectfully, should consider this Resolution not in a spirit of narrow legal wording, but rather to look at the spirit behind the Resolution. Words are magic things often enough, but even the magic of words sometimes cannot convey the magic of the human spirit and of a Nation's passion. And so, I cannot say that this Resolution at all conveys the passion that lies in the hearts and the minds of the Indian people to-day. It seeks very feebly to tell the world of what we have thought or dreamt of so long, and what we now hope to achieve in the near future. It is in that spirit that I venture to place this Resolution before the House and it is in that spirit that I trust the House will receive it and ultimately pass it. And may I, Sir, also, with all respect, suggest to you and to the House that, when the time comes for the passing of this Resolution, let it not be done in the formal way by the raising of hands, but much more solemnly, by all of us standing up and thus taking this pledge anew.

The House knows that there are many absentees here and many members who have a right to come here have not come. We regret that fact because we should have liked to associate with ourselves as many people, as many representatives from the different parts of India and different groups as possible. We have undertaken a tremendous task and we seek the co-operation of all people in that task ; because the future of India that we have envisaged is not confined to any group or section or province, but it comprises all the four hundred million people of India, and it is with deep regret that we find some benches empty and some colleagues, who might have been here, absent. I do feel, I do hope that they will come and that this House, in its future stages, will have the benefit of the co-operation of all. Meanwhile, there is a duty cast upon us and that is to bear the absentees in the mind, to remember always that we are here not to function for one party or one group, but always to think of India as a whole and always to think of the welfare of the four hundred millions that comprise India We are all now, in our respective spheres, party men, belonging to this or that group and

presumably we shall continue to act in our respective parties. Nevertheless, the time comes when we have to rise above party and think of the Nation, think sometimes of even the world at large of which our Nation is a great part. And when I think of the work of this Constituent Assembly, it seems to me the time has come when we should, so far as we are capable of it, rise above our ordinary selves and party disputes and think of the great problem before us in the widest and most tolerant and most effective manner so that, whatever we may produce should be worthy of India as a whole and should be such that the world should recognise that we have functioned, as we should have functioned, in this high adventure.

There is another person who is absent here and who must be in the minds of many of us to-day—the great leader of our people, the father of our Nation—who has been the architect of this Assembly and all that has gone before it and possibly of much that will follow. He is not here because, in pursuit of his ideals, he is ceaselessly working in a far corner of India. But I have no doubt that his spirit hovers over this place and blesses our undertaking.

As I stand here, Sir, I feel the weight of all manner of things crowding around me. We are at the end of an era and possibly very soon we shall embark upon a new age ; and my mind goes back to the great past of India, to the 5,000 years of India's history, from the very dawn of that history which might be considered almost the dawn of human history, till to-day. All that past crowds around me and exhilarates me and, at the same time, somewhat oppresses me. Am I worthy of that past ? When I think also of the future, the greater future I hope, standing on this sword's edge of the present between this mighty past and the mightier future, I tremble a little and feel overwhelmed by this mighty task. We have come here at a strange moment in India's history. I do not know but I do feel that there is some magic in this moment of transition from the old to the new, something of that magic which one sees when the night turns into day and even though the day may be a cloudy one, it is day after all, for when the clouds move away, we can see the sun later on. Because of all this I find a little difficulty in addressing this House and putting all my ideas before it and I feel also that in this long succession of thousands of years, I see the mighty figures that have come and gone and I see also the long succession of our comrades who have laboured for the freedom of India. And now we stand on the verge of this passing age, trying, labouring, to usher in the new. I am sure the House will feel the solemnity of this moment and will endeavour to treat this Resolution

which is my proud privilege to place before it in that solemn manner. I believe there are a large number of amendments coming before the House. I have not seen most of them. It is open to the House, to any member of this House, to move any amendment and it is for the House to accept it or reject it, but I would, with all respect, suggest that this is not a moment for us to be technical and legal about small matters when we have big things to face, big things to say and big things to do, and therefore I would hope that the House would consider this Resolution in this big manner and not lose itself in wordy quarrels and squabbles.

I think also of the various Constituent Assemblies that have gone before and of what took place at the making of the great American nation when the fathers of that nation met and fashioned out a constitution which has stood the test of so many years, more than a century and a half, and of the great nation which has resulted, which has been built up on the basis of that Constitution. My mind goes back to that mighty revolution which took place also over 150 years ago and to that Constituent Assembly that met in that gracious and lovely city of Paris which has fought so many battles for freedom, to the difficulties that that Constituent Assembly had and to how the King and other authorities came in its way, and still it continued. The House will remember that when these difficulties came and even the room for a meeting was denied to the then Constituent Assembly, they betook themselves to an open tennis court and met there and took the oath, which is called the Oath of the Tennis Court, that they continued meeting in spite of Kings, in spite of the others, and did not disperse till they had finished the task they had undertaken. Well, I trust that it is in that solemn spirit that we too are meeting here and that we, too, whether we meet in this chamber or other chambers, or in the fields or in the market-place, will go on meeting and continue our work till we have finished it.

Then my mind goes back to a more recent revolution which gave rise to a new type of State, the revolution that took place in Russia and out of which has arisen the Union of the Soviet Socialist Republics, another mighty country which is playing a tremendous part in the world, not only a mighty country but for us in India, a neighbouring country.

So our mind goes back to these great examples and we seek to learn from their success and to avoid their failures. Perhaps we may not be able to avoid failures because some measure of failure is inherent in human effort. Nevertheless, we shall advance, I am certain, in spite of obstructions and difficulties and achieve and realise

the dream that we have dreamt so long. In this Resolution which, the House knows, has been drafted with exceeding care, we have tried to avoid saying too much or too little. It is difficult to frame a resolution of this kind. If you say too little it becomes just a pious resolution and nothing more. If you say too much, it encroaches on the functions of those who are going to draw up a constitution, that is, on the functions of this House. This Resolution is not a part of the constitution we are going to draw up, and it must not be looked at as such. This House has perfect freedom to draw up that Constitution and when others come into this House, they will have perfect freedom too to fashion that constitution. This Resolution, therefore, steers between these two extremes and lays down only certain fundamentals which, I do believe, no group or party and hardly any individual in India can dispute. We say that it is our firm and solemn resolve to have an Independent Sovereign Republic. India is bound to be sovereign, it is bound to be independent and it is bound to be a republic. I will not go into the arguments about monarchy and the rest, but obviously we cannot produce monarchy in India out of nothing. It is not there. If it is to be an independent and sovereign State, we are not going to have an external monarchy and we cannot have a seacrh for some local monarchies. It must inevitably be a republic. Now, some friends have raised the question : "Why have you not put in the word 'democratic' here ?" Well, I told them that it is conceivable, of course, that a republic may not be democratic but the whole of our past is witness to this fact that we stand for democratic institutions. Obviously, we are aiming at democracy and nothing less than a democracy. What form of democracy, what shape it might take is another matter. The democracies of the present day, many of them in Europe and elsewhere, have played a great part in the world's progress. Yet it may be doubtful if those democracies may not have to change their shape somewhat before long if they have to remain completely democratic. We are not going just to copy, I hope, a certain democratic procedure or an institution of a so-called democratic country. We may improve upon it. In any event, whatever system of government we may establish here must fit in with the temper of our people and be acceptable to them. We stand for democracy. It will be for this House to determine what shape to give to that democracy, the fullest democracy, I hope. The House will notice that in this Resolution, although we have not used the word 'democratic' because we thought it is obvious that the word 'republic' contains that word and we did not want to use unnecessary words and redundant words, but we have done something much more

than using the word. We have given the content of democracy in this Resolution and not only the content of democracy but the content, if I may say so, of economic democracy in this Resolution. Others might take objection to this Resolution on the ground that we have not said that it should be a Socialist State. Well, I stand for Socialism and, I hope, India will stand for Socialism and that India will go towards the constitution of a Socialist State and I do believe that the whole world will have to go that way. What form of Socialism again is another matter for your consideration. But the main thing is that in such a Resolution, if, in accordance with my own desire, I had put in that we want a Socialist State, we would have put in something which may be agreeable to many and may not be agreeable to some and we wanted this Resolution not to be controversial in regard to such matters. Therefore, we have laid down, not theoretical words and formulae, but rather the content of the thing we desire. This is important and I take it there can be no dispute about it. Some people have pointed out to me that our mentioning a republic may somewhat displease the Rulers of Indian States. It is possible that this may displease them. But I want to make it clear personally and the House knows, that I do not believe in the monarchical system anywhere, and that in the world to-day monarchy is a fast disappearing institution. Nevertheless, it is not a question of my personal belief in this matter. Our view in regard to these Indian States has been, for many years, first of all that the people of those States must share completely in the freedom to come. It is quite inconceivable to me that there should be different standards and degrees of freedom as between the people of the States and the people outside the States. In what manner the States will be parts of that Union, that is a matter for this House to consider with the representatives of the States. And I hope in all matters relating to the States, this House will deal with the real representatives of the States. We are perfectly willing, I take it, to deal in such matters as appertain to them, with the Rulers or their representatives also, but finally when we make a Constitution for India, it must be through the representatives of the people of the States as with the rest of India, who are present here. In any event, we may lay down or agree that the measure of freedom must be the same in the States as elsewhere. It is a possibility and personally I should like a measure of uniformity too in regard to the apparatus and machinery of Government. Nevertheless, this is a point to be considered in co-operation and in consultation with the States. I do not wish, and I imagine this Constituent Assembly will not like, to impose anything on the States against their will. If the people of a

particular State desire to have a certain form of administration, even though it might be monarchical, it is open to them to have it The House will remember that even in the British Commonwealth of Nations to-day, Eire is a Republic and yet in many ways it is a member of the British Commonwealth. So, it is a conceivable thing. What will happen, I do not know because that is partly for this House and partly for others to decide. There is no incongruity or impossibility about a certain definite form of administration in the States, provided there is complete freedom and responsible Government there and the people really are in charge. If monarchical figure-heads are approved by the people of the State, of a particular State, whether I like it or not, I certainly will not like to interfere. So I wish to make it clear that so far as this Resolution or Declaration is concerned, it does not interfere in any way with any future work that this Constituent Assembly may do, with any future negotiations that it may undertake. Only in one sense, if you like, it limits our work, if you call that a limitation, *i.e.*, we adhere to certain fundamental propositions which are laid down in this Declaration. Those fundamental propositions, I submit, are not controversial in any real sense of the word. Nobody challenges them in India and nobody ought to challenge them and if anybody does challenge, well, we accept that challenge and we hold our position.

Well, Sir, we are going to make a Constitution for India and it is obvious that what we are going to do in India, is going to have a powerful effect on the rest of the world, not only because a new free independent nation comes out into the arena of the world, but because of the very fact that India is such a country that by virtue, not only of her large size and population, but of her enormous resources and her ability to exploit those resources, she can immediately play an important and a vital part in world affairs. Even today, on the verge of freedom as we are today, India has begun to play an important part in world affairs. Therefore, it is right that the framers of our Constitution should always bear this large international aspect in mind.

We approach the world in a friendly way. We want to make friends with all countries. We want to make friends, in spite of the long history of conflict in the past, with England also. The House knows that recently I paid a visit to England. I was reluctant to go for reasons which the House knows well. But I went because of a personal request from the Prime Minister of Great Britain. I went and I met with courtesy everywhere. And yet at this psychological moment in India's history when we wanted, when we hungered for

messages of cheer, friendship and co-operation from all over the world, and more especially from England, because of the past contact and conflict between us, unfortunately, I came back without any message of cheer, but with a large measure of disappointment. I hope that the new difficulties that have arisen, as every one knows, because of the recent statements made by the British Cabinet and by others in authority there, will not come in our way and that we shall yet succeed in going ahead with the co-operation of all of us here and those who have not come. It has been a blow to me, and it has hurt me that just at the moment when we are going to stride ahead, obstructions were placed in our way, new limitations were mentioned which had not been mentioned previously and new methods of procedure were suggested. I do not wish to challenge the *bona fides* of any person, but I wish to say that whatever the legal aspect of the thing might be, there are moments when law is a very feeble reed to rely upon, when we have to deal with a nation which is full of the passion for freedom. Most of us here during the past many years, for a generation or more, have often taken part in the struggle for India's freedom. We have gone through the valley of the shadow. We are used to it and if necessity arises, we shall go through it again. Nevertheless, through all this long period, we have thought of the time when we shall have an opportunity, not merely to struggle, not merely to destroy, but to construct and create. And now, when it appeared that the time was coming for constructive effort in a free India to which we looked forward with joy, fresh difficulties are placed in our way at such a moment. It shows that, whatever force might be behind all this, people who are able and clever and very intelligent, somehow lack the imaginative daring which should accompany great offices. For, if you have to deal with any people, you have to understand them imaginatively ; you should understand them emotionally ; and of course, you have also to understand them intellectually. One of the unfortunate legacies of the past has been that there has been no imagination in the understanding of the Indian problem. People have often indulged in, or have presumed to give us advice, not realising that India, as she is constituted to-day, wants no one's advice and no one's imposition upon her. The only way to influence India is through friendship and co-operation and goodwill. Any attempt at imposition, the slightest trace of patronge, is resented and will be resented. We have tried, I think honestly, in the last few months in spite of the difficulties that have faced us, to create an atmosphere of co-operation. We shall continue that endeavour. But I do very much fear that that atmosphere will be impaired if there is not suffi-

cient and adequate response from others. Nevertheless, because we are bent on great tasks, I hope and trust that we shall continue that endeavour and I do hope that, if we continue, we shall succeed. Where we have to deal with our own countrymen, we must continue that endeavour even though in our opinion some countrymen of ours take a wrong path. For, after all, we have to work together in this country and we have inevitably to co-operate, if not to-day, tomorrow or the day after. Therefore, we have to avoid in the present anything which might create a new difficulty in the creation of that future which we are working for. Therefore, so far as our own countrymen are concerned, we must try our utmost to gain their co-operation in the largest measure. But, co-operation cannot mean the giving up of the fundamental ideals on which we have stood and on which we should stand. It is not co-operation to surrender everything that has given meaning to our lives. Apart from that, as I said, we seek the co-operation of England even at this stage which is full of suspicion of each other. We feel that if that co-operation is denied, it will be injurious to India, certainly to some extent, probably more so to England, and, to some extent, to the world at large. We have just come out of the World War and people talk vaguely and rather wildly of new wars to come. At such a moment this New India is taking birth—renascent, vital, fearless. Perhaps it is a suitable moment for this new birth to take place out of this turmoil in the world. But we have to be clear-eyed at this moment,—we, who have this heavy task of constitution-building. We have to think of this tremendous prospect of the present and the greater prospect of the future and not get lost in seeking small gains for this group or that. In this Constituent Assembly we are functioning on a world stage and the eyes of the world are upon us and the eyes of our entire past are upon us. Our past is witness to what we are doing here and though the future is still unborn, the future too somehow looks at us, I think, and so I would beg of this House to consider this Resolution in this mighty prospect of our past, of the turmoil of the present and of the great and unborn future that is going to take place soon.

Mr. Jinnah's Statement, London.
*December 14, 1946**

Mr. Jinnah indicated today that if the Congress unequivocally accepted the British Government's interpretation of the Grouping clauses in the Cabinet Mission's constitutional proposals for India, he would certainly have to call his Council.

*These extracts are taken from newspapers reports

He added that he could not, of course, say whether his Council would decide to enter the Constituent Assembly at Delhi.

Mr. Jinnah, whose main pronouncements were contained in answers to questions at a Press conference here today, reaffirmed Pakistan as the goal of the Muslim League, agreed with Mr. Churchill's predictions that things would get worse in India "if Britain did not act boldly and frankly," and answered the question whether he was once a Congressman by retorting ; "Once I belonged to a preparatory school."

Questioned about his impression of the two-day India debate in the House of Commons this week, Mr. Jinnah replied : "My impression of the debate generally is that light is dawning on the tremendous mess that already has been made and, I think, Parliament is in a better position now with regard to some of the facts than they were during all previous months."

Asked if the League's goal was complete independence, he replied : "What do you think we are fighting for ? The goal of complete independence is Pakistan—certainly."

Asked to give his reaction to the paragraph in the British Government's statement of December 6 to the effect that it did not contemplate forcing upon the minorities any constitution in the framing of which they were unrepresented, Mr. Jinnah replied : "Suppose the Federal Court decides against the interpretation of H.M.G., what will H.M.G. do with regard to the Constituent Assembly ? Is it to proceed on the basis of the interpretation given by the Federal Court contrary to the interpretation of H.M.G. ? In that case the Muslim League could never accept it."

A questioner suggested that there was a feeling in London that the Muslim League was not prepared to submit the principal question separating the parties to the Federal Court. Mr. Jinnah replied : "If you ask me why we always have been averse to being a party to reference to the Federal Court on this point, it is because the authors themselves (the British Cabinet Mission and the Government) ought to know what the proposals are. I say it is not a matter for a court. A mediator making a proposal should know what he means and should say if there is any doubt in anyone's mind : 'I will make it clear.'"

Mr. Jinnah added that, besides, this was a fundamental basic point—it was the very foundation of the scheme. "It is not a justiciable issue," he said. "I tell you I will trust no court to decide on a point liko this."

One Pressman put a dual question. If the Congress accepted

the proposals laid down by the British Government, he asked, would the Muslim League be willing to take part in the Constituent Assembly, and in that case would it be willing to agree with the Congress that the Assembly was a sovereign and autonomous body not subject to outside interference ?

Mr. Jinnah answered the first part by saying that if the Congress unequivocally accepted H.M.G.'s interpretation of December 6, certainly he would have to call his Council. He indicated that he could not anticipate a decision of the Muslim League Council.

He thanked the questioner for the second point. "It is all very well to talk in this loose way on the position of the Constituent Assembly," he said, going on to tell his audience that the Congress with 292 supporters—there might be a few less—in the Assembly, certainly had a "brute majority," whereas the Muslim number was 79.

He added : "That is what people understand when they talk of democracy. As between the Hindus and the Muslims there is no such thing as democracy. It is a majority of one nation that can overrule the unanimous decision of any other nation because they are 79 and the Congress are 292. In the perilous position that the Muslims will be," observed Mr. Jinnah, "we don't want any outside interference in this sense that somebody should tinker with us, but there must be some provision within the scheme itself which will prevent a brute majority taking the bit in its mouth and running away. But to treat it as a sovereign Constituent Assembly taking decision after decision and then presenting the poor Muslim minority, the British Government and the world with a *fait accompli*—there is the real danger."

"Does that mean that the Muslim minority wants to continue a veto on progress ?" asked the questioner.

"That is often said, but it is absurd," answered Mr. Jinnah. "Unless the majority of one nation can take what decisions it likes, the moment you do not agree you are exercising your veto and you are intransigent. In that case the majority is to grind down the minority completely and the minority has no remedy."

Mr. Jinnah asked his audience if it was ever known anywhere in the world of a constitution that worked successfully without being framed with the willing assent of major elements that lived in the land. "Even the machinery will not work unless it has the goodwill, co-operation and honest desire of the people."

With regard to the statement that the Muslims were placing a veto on the advance of the majority, he asked : "What majority do

you mean ? If you mean the Hindus, we wish them godspeed. Go ahead, establish your Hindustan, frame your constitution for the Hindus. Leave us alone and we shall frame a constitution of Pakistan."

Asked if he were advocating a separate Constituent Assembly for Pakistan, Mr. Jinnah said that he had always done so.

Mr. Jinnah opened his Press conference by a long statement which covered much of the ground contained in his speech at the Kingsway Hall meeting last night and observed that the Muslim League time and again had been let down in the course of negotiations with the Cabinet Mission and the British Government.

Referring to the Congress and the Muslim League participation in the present provisional Government, he said that the Congress had made its intentions clear—that whatever the constitution, they were going to act as a Cabinet with joint and collective responsibility and a responsibility only to the Legislature, where they have an overwhelming majority, and to no outside authority.

"When we say we cannot allow that," declared Mr. Jinnah, "we are criticized as the King's Party and agents of British imperialism."

Mr. Jinnah added that while the question of the framing of the future constitution was still unsettled, the Interim Government "would go ahead with measures which will torpedo completely our demand for Pakistan and separation." He made a point that H.M.G.'s statement of December 6 suggested that if the Indian political parties intended to refer the chief points at issue to the Federal Court, "it will then be reasonable that meetings of the Sections of the Constituent Assembly should be postponed until decisions of the Federal Court are known."

Mr. Jinnah said that he did not know whether the Congress would consider it reasonable to postpone the meeting of Sections of the Constituent Assembly until the decision of the Federal Court was known. "So we are now hung up," he observed.

*Congress Working Committee Resolution on the Statement of the British Government, December 22, 1946.**

"The Working Committee have given careful consideration to the statement issued by the British Government on December 6, 1946, as well as other statements made recently on their behalf in Parliament. These statements, though made by way of interpretation and elucidation, are clearly additions to and variations of the British

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**Also quoted in*
Banerjee, A.C. *The Making of the Indian Constitution*, 1939-47, Vol. I. p. 375.

Cabinet Mission's statement of May 16, 1946, on which the whole scheme of the Constituent Assembly was based.

The statement of May 16, 1946, laid down in paragraph 15 as basic principles of the constitution that 'there should be a Union of India embracing both British India and the States,' that 'all subjects other than Union subjects and all residuary powers should vest in the provinces' and that 'provinces should be free to form Groups.'

The provinces were thus intended to be autonomous, subject to the Union controlling certain specified subjects. Paragraph 19 laid down, inter alia, the procedure for Sections to meet, for decisions to be taken as to whether Groups should be formed or not, and for any province to elect to come out of the Group in which it might have been placed.

In their resolution of May 24, 1946, the Working Committee pointed out what appeared to be a divergence between the basic principles and the procedure suggested, in that a measure of compulsion was introduced which infringed the basic principle of provincial autonomy. The Cabinet Mission, thereupon, issued a statement on May 25, 1946, in which it was stated that 'the interpretation put by the Congress resolution on paragraph 15 of the Statement, to the effect that the provinces can in the first instance make the choice whether or not to belong to the Section in which they are placed, does not accord with the Delegation's intentions. The reasons for Grouping of the provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the two parties.'

The point at issue was not merely one of the procedure but the fundamental principle of provincial autonomy and whether or not a province or part should be coerced against its will.

The Congress made it clear later that their objection was not to provinces entering Sections, but to compulsory Grouping and the possibility of a dominating province framing a constitution for another province entirely again the wishes of the latter. This might result in the framing of rules, the regulation of franchise, electorates, constituencies for elections and the composition of the Legislature which might seriously prejudice or even nullify the provision for a province subsequently to opt out of a Group.

It was pointed out that this could never be the intention of the Cabinet Mission as it would be repugnant to the basic principles and policy of the scheme they had propounded. The Congress approach to the problem of constitution-making has all along been that coercion should not be exercised against any province or part of the country

and that the constitution of free India should be drawn up by the co-operation and goodwill of all parties and provinces concerned.

In a letter dated 15 June, 1946, from Lord Wavell to Maulana Azad, then President of the Congress, it was stated that 'the Delegation and I are aware of your objections to the principle of Grouping. I would, however, point out that the statement of May 16 does not make Grouping compulsory. It leaves the decision to the elected representatives of the provinces concerned sitting together in Sections. The only provision which is made is that the representatives of certain provinces should meet in Sections so that they can decide whether or not they wish to form Groups.'

Thus the principle which was emphasised again was that Grouping was not compulsory and in regard to Sections a certain procedure was indicated. This procedure was not clear and could be interpreted in more than one way and in any event a point of procedure could not override a basic principle. We pointed out that the right interpretation should be one which did no violence to that principle.

Further, in order to smooth the way to the co-operation of all concerned in the working of the proposed scheme we not only made it clear that we were prepared to go into the Sections, but also we suggested that if our interpretation was not accepted we would be agreeable to reference on this point to the Federal Court.

It is well-known that the proposal in regard to Grouping affected injuriously two provinces especially, namely, Assam and the N.-W. F. P., as well as the Sikhs in the Punjab. Their representatives expressed their strong disapproval of this proposal. In a letter to the Secretary of State dated 25th May, 1946, Master Tara Singh gave expression to the anxiety and apprehensions of the Sikhs and asked for clarification in regard to certain matters. The Secretary of State sent an answer to this letter on June 1, 1946, in the course of which he said : 'I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any additions to, or interpretation of the statement.'

In spite of this explicit statement, the British Government have, on December 6, issued a statement which is both an addition to and an interpretation of the Statement of May 16, 1946. They have done so after more than six and a half months, during which period many developments have taken place as a consequence of the original statement. Throughout this period the position of the Congress was made repeatedly clear to the British Government or their representatives, and it was with full knowledge of this position that the British Government took subsequent steps in furtherance of the Cabinet

Mission's proposals. That position was in conformity with the basic principles laid down in the statement of May 16, 1946, which statement the Congress had accepted in its entirety.

Further the Congress had expressed its willingness to refer, if necessity arose, the point of interpretation to the Federal Court, whose decision should be accepted by the parties concerned. In the course of his letter dated June 28, 1946, addressed to Mr. Jinnah, the Viceroy stated that Congress had accepted the statement of May 16. In the course of a broadcast on August 24, 1946, the Viceroy, in appealing to the Muslim League to co-operate, pointed out that the Congress are ready to agree that any dispute of interpretation may be referred to the Federal Court.

The Muslim League reversed its former decision and rejected the British Cabinet Mission's scheme by formal resolution and even decided to resort to direct action. Their spokesmen have since repeatedly challenged the basis of that scheme, that is, the constitution of a Union of India and have reverted to their demand for a partition of India.

Even after the British Government's statement of December 6, 1946, the leaders of the Muslim League have reiterated this demand for partition and the establishment of two separate independent Governments in India.

When the invitation of the British Government was received by the Congress at the end of November last to send its representatives to London, the Congress position was clearly indicated again. It was on an assurance of the Prime Minister of Great Britain that a representative of the Congress proceeded to London.

In spite of this assurance and of previous assurances to the effect that no addition to, or interpretations of, the statement of May 16, 1946, were going to be made, the British Government have now issued a statement which clearly, in several respects, goes beyond the original statement, on the basis of which progress has been made till now.

The Working Committee deeply regret that the British Government should have acted in a manner which has not been in keeping with their own assurances, and which has created suspicion in the minds of large numbers of people in India.

For some time past the attitude of British Government and their representatives in India has been such as to add to the difficulties and complexities of the situation in the country. Their present intervention long after the members of the Constituent Assembly had been elected has created a new situation which is full of peril for the

future. Because of this, the Working Committee have given anxious and prolonged thought to it.

The Congress seeks to frame, through the Constituent Assembly, a constitution of a free and independent India with the willing co-operation of all elements of the Indian people. The Working Committee regret that Muslim League members of the Constituent Assembly have refrained from attending its opening session.

The Committee, however, appreciate and express their gratification at the presence in the Constituent Assembly of representatives of all other interests and sections of the people of India, and note with pleasure the spirit of co-operation in a common task and a high endeavour which has been in evidence during the session of the Assembly. The Committee will continue their efforts to make the Constituent Assembly fully representative of all the people of India and trust that members of the Muslim League will give their co-operation in this great task.

In order to achieve this, the Committee have advised Congress representatives in the Assembly to postpone consideration of important issues to a subsequent meeting.

In their statement of December 6, 1946, the British Government in giving their interpretation of a doubtful point of procedure, have referred to it as a 'fundamental point' and suggested that the Constituent Assembly may refer it to the Federal Court at a very early date.

Subsequent statements made on behalf of the British Government have made it clear that they are not prepared to accept the decision of this Court should it go against their own interpretation. On behalf of the Muslim League also it has been stated that they will not be bound by the decision of the Federal Court, and a demand for partition of India, which is a negation of the Cabinet Mission's scheme, continues to be put forward.

While the Congress has always been willing to agree to a reference to the Federal Court, any reference now, when none of the other parties are prepared to join in it or to accept it, and one of them does not even accept the basis of the scheme, becomes totally uncalled for and unbecoming, and unsuited to the dignity of either the Congress or the Federal Court. By their repeated statements, British statesmen have ruled this out.

The Working Committee are still of opinion that the interpretation put by the British Government in regard to the method of voting in the Sections is not in conformity with provincial autonomy, which is one of the fundamental bases of the scheme proposed in the statement of May 16.

The Committee are anxious to avoid anything that may come in the way of the successful working of the Constituent Assembly, and are prepared to do everything in their power to seek and obtain the largest measure of co-operation, provided that no fundamental principle is violated.

In view of the importance and urgency of the issues facing the country and the far-reaching consequences which must follow any decision, the Working Committee are convening an emergent meeting of the A.-I.C.C. in Delhi early in January to consider the latest developments and to give such directions as it may deem fit."

The Sikhs on the Statement of the British Government, December 24, 1946

The Sikh Pratinidhi Panthic Board, in a resolution adopted at its meeting at Amritsar on December 24, 1946, called on all Sikhs "to carry on their struggle until satisfactory provision is made for safeguarding their interests in the future constitution of India."

The resolution stated that on June 30, the Secretary of State for India intimated Master Tara Singh, the Akali leader, that it was not possible for the Cabinet Mission to make any addition to the statement of May 16, or to give any interpretation to it.

"The statement of December 6," the resolution adopted today says, "is not only an interpretation of that statement, but makes substantial addition to it."

The statement of December 6 has been made to placate the intransigence of the Muslim League and is to the detriment of the minorities, especially the Sikhs.

"For these reasons, the Board views with indignation the latest statement of H. M. G. and calls on all Sikhs to carry on their struggle until satisfactory provision is made for safeguarding their interests in the future constitution of India."

Sardar Harnam Singh presided over the Board meeting today.

Sardar Baldev Singh, Defence Member, Central Government, gave the meeting a gist of his talks with the British Prime Minister and members of the Cabinet Mission during his recent visit to London.

The meeting deputed Sardar Harnam Singh and some other Sikh leaders to see Mahatma Gandhi, and request him to press for adequate safeguards for the Sikhs in the future constitution of India and to fulfil the Congress commitments in this regard to the Sikh community.

The meeting also deputed some Sikh leaders to meet the members of the All-India Congress Committee in Delhi, when the

Committee meets on January 5, to discuss the question of safeguarding Sikh interests.

*Extracts from the Proceedings of the All-India Congress Committee, New Delhi, January 5-6, 1947**

Speech of Acharya Kripalani

"Acharya Kripalani in his opening remarks reviewed political developments since the last meeting at Meerut. He made special mention of the visit paid by Pandit Nehru to London and the British Government's statement issued following that visit.

He commented caustically on the form and the language of this as well as earlier statements of the British Government. These statements, he said, were such that what they gave with one hand they took away with the other. British statesmen were like jugglers. They produced new meanings and new interpretations from old statements like a juggler producing rabbits out of a hat.

Acharya Kripalani said that the present was a critical moment for the A.-I.C.C. and the country. It had been the intention to summon a meeting of the A.-I.C.C. about this time to consider the report of the Constitution Sub-Committee of the Congress. But the A.-I.C.C. had been called to consider a different issue of grave import.

Ever since the British rule started, Acharya Kripalani said successive Viceroys had introduced some sort of reforms. But those were not reforms in any sense of the term but merely 're-forms.'

Referring to H.M.G.'s December 6 statement the Congress President said that it was not an interpretation as the British Cabinet proclaimed but something new which sought to amend the original State Paper of May 16. The Congress had already accepted the State Paper in its entirety but H.M.G. had held that the acceptance had not included their new interpretation. English was a language of diplomacy and the authors of the State Paper now tried to twist the meaning of the State Paper. That document, he said, provided for an All-India Union, recognised the autonomy of the provinces and provided that residuary power should vest in the provinces. But according to their latest interpretation, with the introduction of Grouping, the autonomy of the provinces would vest in the Groups. This was a novel form of democracy which the British sought to apply to other countries.

The State Paper and the British Cabinet's latest interpretation gave it a strong flavour of the Coupland scheme. That might be because, Acharya Kripalani said, Sir Stafford Cripps and Prof. Coup-

*The Congress Bulletin. 1947.

land were close associates. He emphasised that it should be the aim of the Congress to avoid a bloody revolution and bring about a change as peacefully as possible. The Congress desired a simple constitution and not the very complicated and difficult one as was proposed.

Acharya Kripalani argued that the British Cabinet had no right to give any interpretation. That should have been left to a supreme judicial body. The authors of a law could not themselves give interpretation. In this connection he referred to the correspondence exchanged between the Cabinet Mission and the Sikh leader in which the Secretary of State had categorically statated that the Mission could not issue any additions to, or interpretation of, the State Paper.

Events so far were such that could not inspire any confidence in the British. Quoting Bernard Shaw he said :

'There is nothing so bad or so good that you will not find an Englishman doing it, but you will never find an Englishman in the wrong. He does everything on principles. He fights you on patriotic principles, he robs you on business principles, he enslaves you on imperial principles, he bullies you on many principles, he supports his King on loyal principles and cuts off his King's head on republican principles.' And here in India today he repudiates his pledged word regarding the working of the Constituent Assembly on principles of interpretation and intention.

Somehow the British appeared to be always fortunate. In the first world war and so in the second, Acharya Kripalani went on to say, they always had others to fight the battles.

After giving a survey of the developments since Pandit Nehru's visit to London, Acharya Kripalani said : 'You must not act in haste or anger which would be harmful to us. We want to achieve freedom but that we could achieve only through our own strength. Whatever might be the intentions of the British Government or their documents, we have now the Constituent Assembly. It is a machinery which can help us and we must take advantage of it.' "

Resolution

"The A.-I.C.C. having considered the events that have taken place in the country since the Meerut session of the Congress in November last, the statement issued by the British Government on December 6, 1946, and the statement of the Working Committee of December 22, 1946, advises Congressmen as follows :—

The A.-I.C.C. endorses the statement of the Working Committee of December 22, 1946, and expresses its agreement with the view contained therein.

While the Congress has always been agreeable to making a reference to the Federal Court on the question of interpretation in dispute, such a reference has become purposeless and undesirable owing to recent announcements made on behalf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.

The A.-I.C.C. is firmly of opinion that the constitution for a free and independent India should be framed by the peoples of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by any external authority, and no compulsion of any province or part of a province by another province. The A.-I.C.C. realises and appreciates the difficulties placed in the way of some provinces, notably Assam and the N.-W.F.P and the Sikhs in the Punjab, by the British Cabinet's scheme of May 16, 1946, and more especially by the interpretation put upon it by the British Government in their statement of December 6, 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned, a principle which the British Government have themselves recognised.

The A.-I.C.C is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with the goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections.

It must be clearly understood, however, that this must not involve any compulsion of a province and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a province or part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned. The future course of action will depend upon the developments that take place and the A.-I.C.C. therefore directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy."

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Pandit Nehru's Speech

"Pandit Nehru moving the Working Committee's resolution recommending acceptance of the British Government statement of

Quoted in Banerjee, A.C. *The Making of the Indian Constitution*, 1939-47, Vol. I, p. 382-385.

December 6, said that it was a simple, straightforward resolution. There was no sign of weakness in it, he declared. If there was the least suspicion of weakness, he would not have brought it before them or commended it to their acceptance.

The main question before them was how to keep the Constituent Assembly alive and extract from it the greatest possible good for the country. By accepting the statement of December 6, we would leave the door open for the League to enter and put forward their point of view. If we did not accept the statement, it would give an opportunity to the British Government to change or withdraw their earlier statement of May 16, with the result that the Constituent Assembly might be changed radically.

Obstacles had been put in the path of the Constituent Assembly in the past. We had overcome them and we should do everything in our power hereafter to prevent attempts to sabotage this great weapon which we could use to our advantage.

Pandit Nehru recalled his speech at Meerut in which he had referred to the crisis towards which he felt inside the Interim Government they were fast moving. He had stated that the attitude of the British Government was adversely affecting the work of the Interim Government. Those statements and the fears he had expressed then were now coming true. At the time of his earlier speech the British Government could not have claimed success in impeding our work, but now the British Government were in a position to make that claim and substantiate it. The British Government's actions had created complications. A grave situation had been created and the resolution before the House which had been prepared with great care and deliberation was a simple, straightforward one meant to meet that situation.

The House had to decide whether to accept the statement of December 6 or not. This question had proved to be a headache. 'We are not in the habit of accepting things thrust upon as against our will. We were sorely tempted to accept the challenge contained in this statement and answer it with all the force at our command. But we realised the danger of allowing our emotions to overpower us.'

Many forces had lined up against us, Pandit Nehru went on. We should advance cautiously to meet and overcome those forces and it was this consideration that prompted the Working Committee to bring the resolution before the House.

The resolution accepted the statement. Some might feel that this was a confession of weakness. He denied that. Our fight had taken on a new form with the meeting of the Constituent Assembly

and our aim should be to see that the Assembly was not postponed or shelved. It had not yet begun to function in its fullness but he hoped that when it met after a fortnight it would begin to function as it should.

The significant point about the Assembly was not whether it was sovereign or not, but that it could not be dissolved by the British Government except by the use of force. 'When the British Government choose to use force in that way, then it will be time for us to decide how to face it.'

The primary point to bear in mind was that the Constituent Assembly had begun to function since December 9 and though it was not the Assembly of our ideals, yet it could be utilised as a weapon to achieve our independence. Therefore, it became absolutely essential and important to prevent attempts to postpone or shelve it. It had life in it and was capable of taking us far on the road to independence.

Our opponents had failed in their effort to shelve it, and so had adopted the alternative of putting obstacles in its way and had issued the statement of December 6. Since 1919 we had depended entirely on our strength and had looked to the people of India and not to the British Government to achieve our objective.

'We have no desire to add to the number of enemies ranged against us at this critical stage of our fight.'

The League desired that the Constituent Assembly should not continue and that the country should revert to the order of things that prevailed eight or nine months ago. If that desire materialised, we should meet that situation as we thought best. But all our energies should now be bent to going ahead with the Constituent Assembly with strength and firmness. It was possible that we might have to fight on a different front ; we would be prepared for that too. By passing this resolution we should show to the world that we did not intend to work behind closed doors. And in order to demonstrate our desire to keep the doors open, we did many unpleasant things and postponed many decisions which we liked to take without delay. We did not want to give an opportunity to anyone to say that we had broken the British plan.

Speaking of Assam, Pandit Nehru said it was true it had a mandate to oppose Sections and Groups and Assam could fight if it wanted. But, he would remind them that battles were won not by the personal courage of one or two but by the co-operation of many thousands and by the mobilisation and right use of resources. At the present time our object should be to out-manoeuvre our opponents.

The time might come when Assam would have to fight ; that fight would not be single-handed but would be waged with the whole of India behind them.

Pandit Nehru concluded by referring to his statement at Meerut, that he did not know how long he and his colleagues would continue in the Interim Government. He still did not know how long they would remain there. People had been talking of the final fight for independence. He felt, however, that that fight was even now in progress. Possibly that fight would have to be intensified in the near future but the present situation was such as to call for restraint of language and calm deliberation before action."

Resolution Passed

Pandit Nehru accepted Mr. Abdus Samad Khan's amendment for the inclusion of Baluchistan in addition to N.W.F.P. and Sikhs in the Punjab mentioned in paragraph 3 of the resolution expressing appreciation of the difficulties placed in the way of provinces by the British Cabinet scheme of May 16. He opposed other amendments.

The House rejected by 102 votes to 54 Babu Purshottamdas Tandon's amendment. Other amendments were either withdrawn or negatived and the resolution with the addition of Baluchistan in the third paragraph was passed by 99 votes to 52.

The Sikh Demand for Communal Veto January 17, 1947

"An emphatic assertion that the Sikhs would withdraw from the Constituent Assembly, if the right of communal veto in the Punjab and the north-west Group was not conceded to them, was made by Giani Kartar Singh and Sardar Ujjal Singh, Sikh members of the Constituent Assembly, in a press interview.

After the acceptance by the Congress of the December 6 statement, they explained, the position of the Sikhs had become worse and it was all the more necessary that they should be given the communal veto before the Constituent Assembly broke into Sections. Though the Sikhs were sorely disappointed at the A.-I.C.C. resolution they would continue to co-operate, but in the event of the veto not being given to them they would act according to the mandate of the Panthic Board, and withdraw from the Constituent Assembly.

Giani Kartar Singh and Sardar Ujjal Singh said that though the Sikhs had been accepted by the British Government as a major community, the right of communal veto given by them to Hindus and Muslims had not been conceded to the Sikhs. It was on the solemn assurances given by the Secretary of State for India, Sir

Stafford Cripps and the Congress leaders that the Sikhs had decided to give a fair trial to the Constituent Assembly and what they wanted was that the right of communal veto given to Hindus and Muslims should be conceded to them in the Punjab and the north-west Group where they had a special claim, if not in the whole of India. 'We want', they added, 'that nothing affecting Sikh interests should be decided without our consent'.

The Sikh delegates suggested that some sort of machinery for the resolution of communal deadlocks in the Constituent Assembly should be evolved and assured that the Sikhs would abide by the decisions of such a body. They visualised that arbitration could be a solution of such difficulties.

On the question of representation of Sikhs on the Minorities Advisory Committee the Sikh delegates demanded equal representation for the four major minorities—Sikhs, Depressed Classes, Muslims and Hindus—and urged that the Chairman of the Committee should be a person of the highest integrity like Mahatma Gandhi.

Giani Kartar Singh and Sardar Ujjal Singh expressed the hope that in view of the A.-I.C.C. resolution accepting the December 6 statement the Muslim League would join the Constituent Assembly in the larger interests of the country, but, they added that if the League did not do so it would not be the fault of the Congress."

Indian States on the Constituent Assembly, January 29-30, 1947

Resolution, January 29, 1947.

The following resolution was passed by the Standing Committee of the Chamber of Princes at New Delhi on January 29 :

"This meeting reiterates the willingness of the States to render the fullest possible co-operation in framing an agreed constitution for, and in the setting up of, the proposed Union of India in accordance with the accepted plan ; and declares :—

(*A*) That the following fundamental propositions *inter alia* form the basis for the States' acceptance of the Cabinet Mission's plan :—

1. The entry of the States into the Union of India in accordance with the accepted plan shall be on no other basis than that of negotiation, and the final decision shall rest with each State. The proposed Union shall comprise, so far as the States are concerned, the territories of only such States or groups of States as may decide to join the Union, it being understood that their participation in the constitutional discussions in the meantime will imply no commitments in regard to their ultimate decision which can only be taken after consideration of the complete picture of the constitution.

2. The States will retain all subjects and powers other than those ceded by them to the Union. Paramountcy will terminate at the close of the interim period and will not be transferred to or inherited by the new Government of India. All the rights surrendered by the States to the Paramount Power will return to the States. The proposed Union of India will, therefore, exercise only such functions in relation to the States in regard to Union subjects as are assigned or delegated by them to the Union. Every State shall continue to retain its sovereignty and all rights and powers except those that have been expressly delegated by it. There can be no question of any powers being vested or inherent or implied in the Union in respect of the States unless specifically agreed to by them.

3. The constitution of each State, its territorial integrity, and the succession of its reigning dynasty in accordance with the custom, law and usage of the State, shall not be interfered with by the Union or any Unit thereof, nor shall the existing boundaries of a State be altered except by its free consent and approval.

4. So far as the States are concerned, the Constituent Assembly is authorised only to settle the Union constitution in accordance with the Cabinet Mission's plan, and is not authorised to deal with questions bearing on the internal administrations or constitutions of individual States or groups of States.

5. His Majesty's Government have made it clear in Parliament that it is for the States to decide freely to come in or not as they choose. Moreover, according to the Cabinet Mission's memorandum of May 22, 1946, on States' treaties and paramountcy, 'Political arrangements between the States on the one side and the British Crown and British India on the other will be brought to an end' after the interim period. 'The void will have to be filled either by the States entering into a Federal relationship with the successor Government in British India, or failing this, entering into particular political arrangements with it.'

(*B*) That the States Negotiating Committee, elected by the Standing Committee of the Chamber of Princes and set up at the request of His Excellency the Viceroy in accordance with Paragraph 21 of the Cabinet Mission's statement of May 16, 1946, is the only authoritative body competent under the Cabinet Mission's plan to conduct preliminary negotiations on behalf of the States, on such questions relating to their position in the new Indian constitutional structure as the States might entrust to it.

(*C*) That while the distribution *inter se* of the States' quota of seats on the Constituent Assembly is a matter for the States to

consider and decide among themselves, the method of selection of the States representatives is a matter for consultation between the States Negotiating Committee and the corresponding Committee of the British India portion of the Constituent Assembly before final decision is taken by the States concerned.

This meeting

(*A*) Endorses the press statement issued on June 10, 1946, by the Standing Committee of the Chamber of Princes in consultation with the Committee of Ministers and the Constitutional Advisory Committee, in regard to the attitude of the States towards the Cabinet Mission's plan ; and

(*B*) Supports the official statement of the views communicated by the States delegation to the Cabinet Mission on April 2, 1946, which *inter alia* associated the States with the general desire in the country for India's complete self-government or independence in accordance with the accepted plan.

This meeting resolves that in accordance with this resolution and the instructions and resolutions of the States Constitutional Advisory Committee as endorsed by the Standing Committee of Princes and the Committee of Ministers, the States Negotiating Committee be authorised to confer with the corresponding committee of the British Indian portion of the Constituent Assembly, as contemplated and declared by His Majesty's Government in Parliament, in order to negotiate (*A*) the terms of the States' participation in the Constituent Assembly when it reassembles under Paragraph 19 (6) of the Cabinet Mission's statement, and (*B*) in regard to their ultimate position in the All India Union. Provided that the results of these negotiations will be subject to the approval of the aforesaid States Committee and ratification by the States."

Resolution of the Muslim League Working Committee, Karachi, January 31, 1947

The Working Committee of the All-India Muslim League have given careful consideration to the statement issued by H. M. G. on December 6, 1946, the resolution passed thereafter by the Congress Working Committee on December 22, 1946, and by the All-India Congress Committee on January 6, 1947, the speeches delivered by responsible leaders of the Congress at the A.-I. C. C. session referred to above, and the proceedings of the Constituent Assembly during its two sessions so far held, and record their views as follows :

By their statement of December 6, H. M. G. admitted that the interpretation which the Muslim League had always put on paragraphs 19 (V) and (VIII) of the Cabinet Mission's statement of

May 16 was the correct one and accorded with the intention of the Cabinet Mission and H. M. G.

By that statement it was also proved that the Congress, on the other hand, had 'put forward a different view' and, therefore, had not accepted what H. M. G. themselves described as 'this fundamental point', namely, that decision in the Sections, including questions relating to the framing of the constitutions of Provinces included in each Group, 'should, in the absence of agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections'.

H. M. G., furthermore, added that 'this statement, as so interpreted, must, therefore, be considered an essential part of the scheme of May 16 for enabling the Indian people to formulate a constitution which H. M. G. would be prepared to submit to Parliament'. Accordingly, in their statement of Dec. 6 they urged the Congress to accept 'this reaffirmation of the intention of the Cabinet Mission' or in the alternative to refer the point to the Federal Court at a very early date.

In their statement of Dec. 6, H. M. G. also affirmed that the Congress had agreed that other questions of interpretation of the statement of May 16 which might arise might be referred by either side to the Federal Court whose decisions should be accepted, and on the assumption that the Congress had agreed to this procedure, H. M. G. asked the Muslim League also to agree to it in order to ensure that 'the procedure both in the Union Constituent Assembly and in the Sections may accord with the Cabinet Mission's plan'.

H. M. G., in the last paragraph of their statement of Dec. 6, reiterated the fact that 'there has never been any prospect of the success for the Constituent Assembly except upon the basis of the agreed procedure', and they repeated the assurance : 'Should the constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, H. M. G. would not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country'.

The meaning and the application of this assurance were further clarified by Sir Stafford Cripps in his speech in the House of Commons on Dec. 12, 1946, when he said : 'But the Government had also to envisage the possibility in the clause in the final paragraph of the statement. This was, perhaps, a statement of the obvious—that if the Muslim League could not be persuaded to come into the Constituent Assembly, then parts of the country where they were in a majority could not be held to be bound by the results.'

The situation created by the issue of this statement by H.M.G. is that the onus of taking the next step fell on the Congress and it was called upon :—

1. To accept honestly and unequivocally the correct interpretation of paragraphs 19 (V) and 19 (VIII) of the Cabinet Mission's statement of May 16, which interpretation has been already accepted by the Muslim League, or to refer the point to the Federal Court ;

2. To reaffirm that it has accepted the procedure for the settling of other questions or interpretations that might arise, so that the decision should accord with the basic and fundamental principles of the scheme of May 16, 1946, namely, that either side could refer such questions to the Federal Court whose decisions would be binding on all concerned ; and

3. To postpone the session of the Constituent Assembly which had been called for Dec. 9, 1946, pending settlement of the dispute over the fundamental points of principle and procedure which had been brought to the fore by the statement of Dec. 6 and the correct interpretation of which the Congress has not accepted, as was made clear in that statement, there being no prospect of success for the Constituent Assembly without such agreement, particularly on the part of the Congrees.

The Working Committee of the All-India Muslim League regret to note that the Congress has reacted to the situation created by the statement of Dec. 6 in a manner which shows that it is determined to adhere to its own views and interpretations of the fundamental provisions in the Cabinet Mission's statement of May 16, which militate against the clearly expressed intentions and interpretations of the authors of that statement as well as of H. M. G. as a whole and which destroy the very basis on which the constitutional plan set forth in that statement has been drawn up.

By its resolution of Dec. 22, the Congress Working Committee rejected the suggestion that the point in dispute should be referred to the Federal Court if the Congress did not accept 'this reaffirmation of the intention of the Cabinet Mission', and the Committee decided to convene a meeting of the A.-I. C. C. for the purpose of giving a decision on the issue raised by the statement of Dec. 6.

The Working Committee of the Congress, however, in its resolution indulged in an attack on the British Government for their renewed interpretati clarification, which had called the Congress bluff, an l the Muslim League for no other fault than that its stand had been at last vindicated.

The A.-I. C. C., by its resolution passed on Jan. 6, purported

'to agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections', about which there never was any doubt in the mind of any sane and honest person, but it immediately added the following qualifying clauses :

'It must be clearly understood, however, that this must not involve any compulsion on a Province and that the rights of the Sikhs in the Punjab should not be jeopardized'.

'In the event of any attempt at such compulsion, a Province or part of a Province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned'.

'The future course of action will depend upon the developments that take place and the A.-I.C.C., therefore, directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy.'

These qualifying clauses, in the considered opinion of the Working Committee of the All-India Muslim League, confer the right of veto within the section on 'a Province' and, what is more absurd, on 'a part of a Province as well as on the Sikhs in the Punjab, and, therefore, they completely nullify the advice or so-called 'acceptance' by the Congress of the Dec. 6 statement, and this A.-I. C. C. resolution is no more than a dishonest trick and jugglery of words by which the Congress has again attempted to deceive the British Government, the Muslim League, and public opinion in general.

The question at issue was a very simple one. What was required was a straight and honest answer and not these evasions, equivocation, and camouflage from one of the two major contracting parties to the questions whether the Congress honestly and sincerely agreed to the proposals of May 16 as clarified by H. M. G. on December 6, 1946, and whether it was prepared to honourably abide by them and carry out the letter and spirit of the proposals which were put before the two major parties by the British Government, who were merely acting as mediators as, unfortunately, the two major parties had failed to come to any agreement at Simla and the conference at Simla had broken down.

Of the second point in H. M. G's. statement of December 6, namely, the procedure whereby either side could refer other questions of interpretation to the Federal Court, the resolution of the A.-I. C. C. makes no mention, but the mover of the resolution, Pandit Nehru, on being questioned on the second day of the A.-I.C.C.'s deliberations

as to whether the Congress had agreed to this procedure, categorically answered in the negative and declared :

'Apart from this, in view of the recent developments and the statement of December 6, which produces a new situation, I am not prepared to admit for an instant that we have agreed to any future procedure about references. Whatever the future brings, we shall have to consider it. I should like to make it perfectly clear that we are giving no assurance about any references in regard to any other matters to the Federal Court . . . . We are not going to commit ourselves at the present moment to any reference to the Federal Court or to any other authority. We shall decide—or the Constituent Assembly shall decide—as we think best in the circumstances.'

With regard to the third point, namely, that if a constitution comes to be framed by a Constituent Assembly in which 'a large section of the Indian population has not been represented', such a constitution would not be forced upon any 'unwilling parts of the country', the A.-I.C.C. resolution, in paragraph 3, completely distorts the meaning and application of this principle and makes this an excuse to instigate a section of the population of Assam, the N.-W. F. P., the Sikhs and even Baluchistan, to revolt against decisions that might be taken by the relevant Sections sitting as a whole and by a simple majority vote. In the opinion of the Working Committee of the All-India Muslim League the subsequent decision of the Assam Provincial Congress not to abide by the procedure laid down for Sections and its reiteration that 'the Constitution for Assam shall be framed by her own representatives only' is a direct result of this instigation and is a step taken by Assam Congressmen in collusion with the all-India leaders of the Congress.

The Constituent Assembly met on Dec. 9 and subsequent dates and thereafter on Jan. 20 and subsequent dates and has already taken decisions of vital character, so far as it is known to the public ; and as some of the sittings were held in camera it is very difficult to get correct information as to what other resolutions it has passed or what decisions it has already taken. It has passed a resolution, known as the independent sovereign republic resolution, laying down the objectives.

It is not only a proclamation of India as an independent sovereign republic but it lays down fundamentals of the Constitution as was admitted by Pandit Nehru, the mover of the resolution. It is a very vital resolution. It lays down the essentials of the next Constitution ; several things which are mentioned there are fundamentals of the Constitution. It speaks of a republic or Union, functions and powers vested in the Union or as are inherent or implied

in the Union and resulting therefrom, and talks of present boundaries, States and present authorities, the residuary powers, powers being derived from the people, minority rights and fundamental rights.

These are undoubtedly fundamentals of the Constitution and they are beyond the limit of the powers and the terms of the scheme of the Cabinet Mission's statement of May 16 and the resolution is therefore illegal, *ultra vires* and not competent to the Constituent Assembly to adopt.

Next, it has appointed several committees and has proceeded to elect an Advisory Committee, referred to in paragraph 20 of the statement of the Cabinet Mission and the Viceroy, on the rights of citizens, minorities, tribal and excluded areas. Further it has appointed a Steering Committee and various other committees, and as some of the decisions have been taken in camera it is very difficult to say what resolutions it has passed or decisions it has taken. It has also passed the rules of procedure and assumed control of Sections by means of these rules for which there is no warrant or justification, particularly rule 63 which runs as follows :

'1. The Assembly shall, before finally settling the Union Constitution, give an opportunity to the several provinces and States through their legislatures to formulate, within such time as it may fix, their views upon the resolutions of the Assembly outlining the main features of the Constitution or, if the Assembly so decides, upon the preliminary draft of the Constitution.'

'2. Before the Constitution of any province is finally settled or the decision to set up a Group Constitution for the Section in which the province is included is finally taken, an opportunity shall be given to the province concerned through its legislature to formulate, within such time as may be fixed for the purpose, its views (*a*) upon the resolution outlining the main features of the Constitution or, if the majority of the representatives of the province in the Assembly so desire, upon the preliminary draft of such Constitution, and (*b*) upon the preliminary decision of the Section concerned as to whether a Group Constitution shall be set up for the provinces included in the Section and, if so, with what provincial subjects the Group should deal.'

It has also appointed a committee to define the scope of the Union subjects, whereas the position was made quite clear, immediately after the statement of May 16 was issued, by the Secretary of State for India in his broadcast and by Sir Stafford Cripps at his Press conference where he read out an explanatory statement. Both

of them stated in the clearest possible terms the time and manner in which the Group Constitutions were to be framed by the Sections concerned before the Union Constitution was taken up.

The Secretary of the State said : 'After a preliminary meeting in common, these representatives of the provinces will divide themselves up into three Sections. These Sections will decide upon provincial and Group matters. Subsequently they will reunite to decide upon the Constitution for the Union.'

Sir Stafford Cripps at his Press conference said : 'So the three Sections will formulate the provincial and Group Constitutions and when that is done they will work together with the States' representatives to make the Union Constitution. That is the final phase, and the Union is strictly confined to three subjects.'

It is clear from the above that the Constituent Assembly, in which only the Congress Party is represented, has taken decisions on principles and procedure, some of which exceed the limitations imposed by the Statement of May 16 on the Constituent Assembly's functions and powers, at the preliminary stage and which further impinge upon the powers and functions of the Sections. By taking these decisions in the Constituent Assembly and by appointing a committee consisting of individuals chosen by the Congress, the Congress has already converted that truncated Assembly into a rump and something totally different from what the Cabinet Mission's statement had provided for.

In view of these facts and circumstances the Working Committee of the Muslim League is definitely of opinion that the Congress, by rejecting this final appeal of H.M.G. to accept the correct interpretation of the fundamental procedure of the Cabinet Mission's statement of May 16, and by having already, by the resolutions and decisions taken in two sessions, converted the Constituent Assembly into a body of its own conception, has destroyed all fundamentals of the statement of May 16 and every possibility of compromise on the basis of the Cabinet Mission's constitutional plan. The Working Committee accordingly calls upon H.M.G. to decide that the constitutional plan formulated by the Cabinet Mission, as announced on May 16, has failed because the Congress after all these months of efforts has not accepted the statement of May 16, nor have the Sikhs, nor the Scheduled Castes.

The proposals of May 16 could only be given effect to and carried out if the two major parties agreed to accept them. The Congress had not, and has not accepted and does not accept them, although the Muslim League had accepted, by its resolution, the

statement of May 16 as far back as June 6, 1946. But in view of the fact that the Congress refused to accept the proposals in toto and unequivocally, the Muslim League had to withdraw its acceptance on July 29, 1946.

The Working Committee of the Muslim League is, therefore, emphatically of opinion that the elections to and thereafter the summoning of the Constituent Assembly, in spite of strong protests and most emphatic objections on the part of the League, were *ab initio* void, invalid and illegal as not only the major parties had not accepted the statement but even the Sikhs and the Scheduled Castes had also not done so and the continuation of the Constituent Assembly and its proceedings and decisions are *ultra vires*, invalid, and illegal and it should be forthwith dissolved.

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*Joint Statement of Pandit Nehru and Nawab of Bhopal, New Delhi, Februray 9, 1947**

"The States' Negotiating Committee set up by the Chamber of Princes and the corresponding Committee of the Constituent Assembly held joint meetings yesterday and today. In the course of the discussions, reference was made to the Cabinet Delegation's statement of the 16th May, the resolutions of the Constituent Assembly and the resolution passed by the Conference of Rulers. The discussions were friendly and satisfactory. On the basis of a general understanding arrived at, is was decided to take up the question of the representation of the States in the Constituent Assembly. The Secretariats of the Assembly and the Chamber of Princes were accordingly asked together to draw up detailed proposals for the allocation of the 93 seats allotted to the States and to place them for consideration before the next joint meeting of the two Committees which will consider the proposed allocation as well as the method of selection of the States, representatives.

The next joint meeting will be held on March 1."

["It is....learnt that it was made clear on the part of the British Indian representatives that they accepted the British Cabinet Plan of May 16, 1946, with its implications. It is learnt that agreement was reached that the entry of the States into the Union should be on the basis of negotiations and should be voluntary in character in respect of each State.

There was no question of any changes or adjustment of territories except by pure voluntary and consensual agreement. It was further agreed that the States under the Cabinet Plan will retain all

*Reported by the *Associated Press of India*, February 9, 1947.

powers other than those ceded or delegated by them to the Union and that the Union will exercise only such functions as are so assigned by the States to the Union. The question of implied or inherent powers is a matter which will have to be carefully defined with special reference to the above proposition and provision will have to be specially made in the constitution for that purpose and for the resolution of difficulties in the application of the doctrine. It was further agreed that the Cabinet Mission's Plan proceeded on the footing of the autonomy of each State in regard to its internal structure and constitution.

The lapse of paramountcy on the coming into existence of the new constitution was also taken for granted and there was no claim that paramountcy as such will be exercised by any body after British paramountcy disappears. The powers of the Union Centre in the future would not partake of the nature of paramountcy but would be conferred by the Union constitution. Although informal and individual consultations with particular States or other bodies or organisations could not be ruled out, the Negotiating Committee appointed under the Cabinet Mission Plan was assumed to be the only formal body acting on behalf of the States as now constituted, which could deliver the goods.....

The Cabinet Mission's Plan involving the allocation of 93 seats, on the basis of one seat for each million of the population, will be adhered to, although it was clear that in the case of States having less than a million people there would have to be groupings and mutual adjustments.....

Discussions also took place regarding the nomination of various States' representatives to Committees appointed by the Constituent Assembly....no final decision as to personnel or otherwise has been so far reached...."

* * * *

PARTITION AND INDEPENDENCE

*Statement by Mr. Attlee, Prime Minister, in the House of Commons, 20 February 1947**

1. It has long been the policy of the successive British Governments to work towards the realization of self-government in India. In pursuance of this policy, an increasing measure of responsibility has been devolved on Indians, and today the civil administration and the Indian armed forces rely to a very large extent on Indian civilians and officers. In the constitutional field, the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial

**The Indian Annual Register* (1947), Vol. I, pp. 142-43.

transfer of political power. In 1940 the Coalition Government recognized the principle that Indians should themselves frame a new Constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the war was over.

2. His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since they came into office, they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of the 15th March last, which met with general approval in Parliament and the country, made it clear that it was for the Indian peoples themselves to choose their future status and Constitution and that in the opinion of His Majesty's Government the time had come for responsibility for the Government of India to pass into Indian hands.

3. The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a method for determining the future Constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear that without some initiative from the Cabinet Mission agreement was unlikely to be reached that they put forward proposals themselves.

4. These proposals, made public in May last, envisaged that the future Constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

5. Since the return of the Mission, an Interim Government has been set up at the Centre composed of the political leaders of the major communities, exercising wide powers within the existing Constitution. In all the Provinces Indian Governments responsible to Legislatures are in office.

6. It is with great regret that His Majesty's Government find that there are still differences among Indian Parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

7. His Majesty's Government desire to hand over their responsibility to authorities established by a Constitution approved by all parties in India in accordance with the Cabinet Mission's plan. But unfortunately there is at present no clear prospect that such a Constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged.

His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June 1948.

8. This great sub-continent now containing over four hundred million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary today if the full possibilities of economic development are to be realized and a higher standard of life attained by the Indian people.

9. His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency. It is, therefore, essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

10. After months of hard work by the Cabinet Mission a great measure of agreement was obtained as to the method by which a Constitution should be worked out. This was embodied in their statement of May last. His Majesty's Government there agreed to recommend to Parliament a Constitution worked out in accordance with the proposals, made therein by a fully representative Constituent Assembly. But if it should appear that such a Constitution will not have been worked out by a fully representative Assembly before the time mentioned in paragraph 7, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.

11. Although the final transfer of authority may not take place until June 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

12. In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to

hand over their powers and obligations under Paramountcy to any Government of British India. It is not intended to bring Paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

13. His Majesty's Government will negotiate agreement in regard to matters arising out of the transfer of power with representatives of those to whom they propose to transfer power.

14. His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connexion between India and the United Kingdom has been long and friendly and will continue to be to their mutual advantage.

15. His Majesty's Government cannot conclude this statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of the self-government. It will be the wish of everyone in these Islands that, notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end ; and they will wish to continue to do all that is in their power to further the well-being of India.

16. The House will wish to know of an announcement which is being made public today. Field-Marshal the Right Honourable Viscount Wavell was appointed Viceroy in 1943, after having held high military command in the Middle-East, South-East Asia and India with notable distinction since the beginning of the War. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this high office during this very difficult period with devotion and a high sense of duty. It has, however, seemed that the opening of a new and final phase in India is an appropriate time to terminate this war appointment. His Majesty has been pleased to approve, as successor to Lord Wavell, the appointment of Admiral the Viscount Mountbatten, who will be entrusted with the task of transferring to Indian hands responsibility for the Government of British India in a manner that will best ensure the future happiness and prosperity of India. The change of office will take place during March. The House will be glad to hear that His Majesty has been pleased to approve the conferment of an Earldom on Viscount Wavell.

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*Resolution of the Working Committee of the Indian National Congress, 6-8 March 1947**

The Working Committee welcome the declaration made on behalf of the British Government of their definite intention to transfer power finally by a date not later than June 1948 and to take steps to that end in advance.

The transfer of power, in order to be smooth, should be preceded by the recognition in practice of the Interim Government as a Dominion Government with effective control over the Services and administration, and the Viceroy and Governor-General functioning as the constitutional head of the Government. The Central Government must necessarily function as a Cabinet with full authority and responsibility. Any other arrangement is incompatible with good government and is peculiarly dangerous during a transitional period full of political and economic crisis.

The Congress has already expressed its acceptance of the British Cabinet Mission's scheme of May 16th, 1946 and has further accepted the interpretations put upon it by the British Cabinet on December 6, 1946. In accordance therewith, the Constituent Assembly has been functioning and has appointed various committees to carry on its work. It has become all the more essential now to expedite this work so that the Constitution for an Indian Union and its constituent units should be finally prepared and given effect to well within the stated period to facilitate the final transfer of power.

The Working Committee welcome the decision of a number of States to join the Constituent Assembly and trust that all the States and their peoples will be effectively represented in this task of making a Constitution for an Indian Union. The Committee invite afresh the representatives of the Muslim League, who have been elected to the Constituent Assembly, to join in this historic undertaking.

The work of the Constituent Assembly is essentially voluntary. The Working Committee have frequently stated that there can or should be no compulsion in the making of a Constitution for India. It is the fear of compulsion or coercion that has given rise to distrust and suspicion and conflict. If this fear goes, as it must, it will be easy to determine India's future so as to safeguard the rights of all communities and give equal opportunities to all. It has been made clear that the Constitution framed by the Constituent Assembly will apply only to those areas which accept it. It

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**The Indian Annual Register* (1947), Vol. I, pp. 117-18.

must also be understood that any Province or part of a Province which accepts the Constitution and desires to join the Union cannot be prevented from doing so. Thus there must be no compulsion either way, and the people will themselves decide their future. This peaceful and co-operative method is the only way to make democratic decisions with the maximum of consent.

In this hour when final decisions have to be taken, and the future of India has to be shaped by Indian minds and hands, the Working Committee earnestly call upon all parties and groups, and all Indians generally, to discord violent and coercive methods, and co-operate peacefully and democratically in the making of a Constitution. The time for decision has come and no one can stop it or stand by and remain unaffected. The end of an era is at hand and a new age will soon begin. Let this dawn of the new age be ushered in bravely, leaving hates and discords in the dead past.

In view of new developments which are leading to a swift transfer of power in India, it has become incumbent on the people of India to prepare themselves jointly and co-operatively for this change, so that this may be effected peacefully and to the advantage of all. The Working Committee, therefore, invite the All-India Muslim League to nominate representatives to meet representatives of the Congress in order to consider the situation that has arisen and to devise means to meet it.

The Working Committee will keep in close touch with the representatives of the Sikhs and other groups concerned, with a view to co-operating with them in the steps that may have to be taken and in safeguarding their interests.

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*Statement containing the final decision of His Majesty's Government regarding the method of transfer of power, 3 June, 1947**

1. On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a Constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces,

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**The Indian Annual Register* (1947), Vol. I, pp. 143-6.

and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind as also the representative of British Baluchistan, have decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved upon His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India ; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representatives are already participating in it, will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed : (*a*) in the existing Constituent Assembly ; or (*b*) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly. When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will therefore, each be asked to meet in two parts, one representing the Muslim-majority districts and the other, the rest of the Province. For the purpose

of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim-majority districts in these two Prvoinces are set out in the Appendix to this announcement.

6. The Members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the Members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim-majority districts (as laid down in the Appendix) and non-Muslim-majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these Provinces a detailed investigation of boundary questions will be needed ; and as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation which those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

10. The Legislative Assembly of Sind (excluding the European Members) will, at a special meeting, also take its own decision on the alternatives in paragraph 4 above.

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

12. British Baluchistan has elected a Member but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim-majority areas of Sylhet district and contiguous Muslim-majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of May 16th, 1946. Similar elections will also have to be held for Sylhet in the event of its being decided that this district should

form part of East Bengal. The number of representatives to which each area would be entitled is as follows :

PROVINCE	GENERAL	MUSLIMS	SIKHS	TOTAL
Sylhet District	1	2	Nil	3
West Bengal	15	4	Nil	19
East Bengal	12	29	Nil	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

16. Negotiations will have to be initiated as soon as possible on the administrative consequences of any partition that may have been decided upon

(*a*) between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government including Defence, Finance and Communications ;

(*b*) between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power ;

(*c*) in the case of Provinces that may be partitioned, as to the administration of all Provincial subjects, such as the division of assets and liabilities, the police and other Services, the High Courts, provincial institutions, etc.

17. Agreements with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of May 12th, 1946, remains unchanged.

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories ; they will, of course, be free to frame their own rules.

20. The major political parties have repeatedly emphasized their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date June 1948 for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of the Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

21. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

Appendix

Vide paragraph 5 of the statement.

Muslim-majority districts of the Punjab and Bengal according to 1941 census.

1. *Punjab*

Lahore Division : Gujranwala, Gurdaspur, Lahore, Sheikhupura, Sialkot.

Rawalpindi Division : Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur.

Multan Division : Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

2. *Bengal*

Chittagong Division : Chittagong, Noakhali, Tipperah.

Dacca Division : Bakarganj, Dacca, Faridpur, Mymensingh.

Presidency Division : Jessore, Murshidabad, Nadia.

Rajshahi Division : Bogra, Dinajpur, Malda, Pabna, Rajshahi, Rangpur.

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*Broadcast Message of His Excellency the Viceroy, Lord Mountbatten, 3 June, 1947**

A statement will be read to you tonight giving the final decision of His Majesty's Government as to the method by which

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* Mountbatten. *Time only to look Forward : Speeches by Earl Mountbatten of Burma*, 1947-48. London, Nicholas Kaye, 1949, pp. 10-13.

power will be transferred from British to Indian hands. But before this happens, I want to give a personal message to the people of India, as well as a short account of the discussions which I have held with the leaders of the political parties and which have led to the advice I tendered to His Majesty's Government during my recent visit to London.

Since my arrival in India at the end of March I have spent almost every day in consultation with as many of the leaders and representatives of as many communities and interests as possible. I wish to say how grateful I am for all the information and helpful advice they have given me.

Nothing I have seen or heard in the past few weeks has shaken my firm opinion that with a reasonable measure of goodwill between the communities a unified India would be by far the best solution of the problem.

For more than a hundred years 400 millions of you have lived together and this country has been administered as a single entity. This has resulted in unified communications, defence, postal services and currency ; an absence of tariffs and customs barriers ; and the basis for an integrated political economy. My great hope was that communal differences would not destroy all this.

My first course, in all my discussions, was therefore to urge the political leaders to accept unreservedly the Cabinet Mission Plan of 16 May 1946. In my opinion that Plan provides the best arrangement that can be devised to meet the interests of all the communities of India. To my great regret it has been impossible to obtain agreement either on the Cabinet Mission Plan, or on any other plan that would preserve the unity of India. But there can be no question of coercing any large areas in which one community has a majority to live against their will under a Government in which another community has a majority. And the only alternative to coercion is partition.

But when the Muslim League demanded the partition of India, Congress used the same arguments for demanding, in that event, the partition of certain Provinces. To my mind this argument is unassailable. In fact, neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other. I am, of course, just as much opposed to the partition of Provinces as I am to the partition of India herself and for the same basic reasons.

For just as I feel there is an Indian consciousness which should transcend communal differences so I feel there is a Punjabi

and Bengali consciousness which has evoked a loyalty to their provinces.

And so I felt it was essential that the people of India themselves should decide this question of partition.

The procedure for enabling them to decide for themselves whether they want the British to hand over power to one or two Governments is set out in the statement which will be read to you. But there are one or two points on which I should like to add a note of explanation.

It was necessary in order to ascertain the will of the people of the Punjab, Bengal and part of Assam to lay down boundaries between the Muslim-majority areas and the remaining areas but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted.

We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of the Sikh community at heart are very sorry to think that partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will, of course, be represented.

The whole Plan may not be perfect ; but like all plans, its success will depend on the spirit of goodwill with which it is carried out. I have always felt that once it was decided in what way to transfer power, the transfer should take place at the earliest possible moment, but the dilemma was that if we waited until a constitutional set-up for all India was agreed, we should have to wait a long time, particularly if partition were decided on. Whereas if we handed over power before the Constituent Assemblies had finished their work we should leave the country without a Constitution. The solution to this dilemma which I put forward, is that His Majesty's Government should transfer power now to one or two Governments of British India, each having Dominion Status as soon as the necessary arrangements can be made. This I hope will be within the next few months. I am glad to announce that His Majesty's Government have accepted this proposal and are already having legislation prepared for introduction in Parliament this session. As a result of these decisions the special function of the India Office will no longer have to be carried out, and some other machinery will be set up

to conduct future relations between His Majesty's Government and India.

I wish to emphasize that this legislation will not impose any restriction on the power of India as a whole, or of the two States if there is partition, to decide in the future their relationship to each other and to other member states of the British Commonwealth.

Thus the way is now open to an arrangement by which power can be transferred many months earlier than the most optimistic of us thought possible, and at the same time leave it to the people of British India to decide for themselves on their future, which is the declared policy of His Majesty's Government.

I have made no mention of the Indian States, since the new decisions of His Majesty's Government are concerned with the transfer of power in British India.

If the transfer of power is to be effected in a peaceful and orderly manner, every single one of us must bend all his efforts to the task. This is no time for bickering, much less for the continuation in any shape or form of disorders and lawlessness of the past few months. Do not forget what a narrow margin of food we are all working on. We cannot afford any toleration of violence. All of us are agreed on that.

Whichever way the decision of the Indian people may go, I feel sure any British officials or officers who may be asked to remain for a while will do everything in their power to help to implement that decision. His Majesty as well as his Government have asked me to convey to all of you in India their sincere good wishes for your future and the assurance of their continued goodwill.

I have faith in the future of India and am proud to be with you all at this momentous time. May your decisions be wisely guided and may they be carried out in the peaceful and friendly spirit of the Gandhi-Jinnah appeal.

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*Lord Mountbatten's Press Conference, 3 June, 1947**

When I suddenly found myself going to India, we had some preliminary discussions in London and we settled on a programme that I should spend the first six months in becoming acquainted with the problems and then I should send my recommendations to His Majesty's Government to enable them in due course to prepare the necessary legislation for introduction early in 1948 in Parliament.

Mountbatten. *Time only to look Forward : Speeches by Earl Mountbatten of Burma*, 1947-48. London, Nicholas, Kaye, 1949, pp. 10-13.

But when I arrived out here I discovered almost at once that the one point on which every community was agreed, and on which all the British officials were agreed, and with which I very soon agreed myself, was that a decision at the earliest possible moment as to how we were to transfer power was a prime necessity if we were to put a stop to communal strife and bring back the atmosphere of peace and friendliness without which no progress can possibly be made. So, I set to work harder than I ever remember having done even during the war. I saw as many people as possible. First of all, I gave them background information and then I asked for their views. My own feeling was that a united India was, of course, the right answer but only if communal feeling and goodwill allowed it. So, while I did my very best to get the Cabinet Mission scheme accepted (a scheme which at one time or another—but never at the same time—had been accepted by every community) the riots and bloodshed throughout the country made the prospects of its acceptance obviously pretty remote.

The Cabinet Mission Plan is not an enforceable plan. It depends on goodwill and mutual co-operation. You cannot *make* the Cabinet Mission Plan work any more than you can *make* a horse drink after taking him down to the water. So, when it became clear that it could not be made to work with the complete free will of at least one of the major communities, I started to look for an alternative. All the Muslim League leaders to whom I spoke made it absolutely clear that they had desired partition. Once that fact was inescapably established in my mind, my next point was to see whether the Congress would agree to abandon the principle of unity for which they have stood for so long to the extent of allowing those areas that did not wish to stand for unity to form a separate Constituent Assembly. I found that they stuck by the principle of non-coercion. They said that any Province or area which did not wish to come into the existing Constituent Assembly could form a separate Constituent Assembly, but they very naturally insisted that no large non-Muslim area should be brought into the new Constituent Assembly. When I spoke to Mr. Jinnah and the other Muslim League leaders on that point, they were, of course, as much distressed, as were the Congress leaders at the prospect of the partition. Mr. Jinnah then asked whether the same principle would be extended beyond the Punjab and Bengal. I accepted that, of course. The idea was that if Assam was to be partitioned, then Sylhet and possibly contiguous areas in which there is a definite Muslim majority should be separated. I felt from every point of view that the people of India should take it upon

themselves to make up their own minds what they wanted to do for the future of their country.

The next problem was how to produce the mechanism to ascertain the will of the people. Clearly the adult franchise plebiscite would be the democratic way. But such a process was utterly impracticable at this moment when we wanted a very quick answer and speed was the one thing which everybody desired. Elections were held last year and the Legislative Assemblies appeared to me to be the right people to give a quick decision as to the wishes of the people. And so we devised the scheme the details of which you have read in the statement made by His Majesty's Government. But I want to point out that at every stage and every step when this plan was developed I worked hand in hand with the leaders with whom I was ultimately going to discuss the plan. The plan came as no shock to them and no surprise to them, for although I did not actually produce a written plan, I continued to make notes when they saw me and I asked them whether this was the right way or whether that was, and together we gradually constructed a plan which obviously cannot meet with the complete approval of everybody, because if it did my services would have been quite unnecessary. Ages ago the solution would have been found between the leaders themselves. The only service I can claim has been to try as honestly and as impartially as possible to reconcile the various points of view and find out to what extent the views of one party met the views of the others.

There are two main parties to this plan—the Congress and the Muslim League, but another community much less numerous but of great importance—the Sikh Community—have of course to be considered. I found that it was mainly at the request of the Sikh Community that Congress had put forward the resolution on the partition of the Punjab, and you will remember that in the words of that resolution they wished the Punjab to be divided between predominantly Muslim and non-Muslim areas. It was, therefore, on that resolution, which the Sikhs themselves sponsored, that this division has been provided for. I was not aware of all the details when this suggestion was made, but when I sent for the map and studied the distribution of the Sikh population under this proposal, I must say that I was astounded to find that the plan which they had produced divided their community into two almost equal parts. I have spent a great deal of time both out here and in England in seeing whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle, the principle which was demanded on the one side and was

conceded on the other. I am not a miracle worker and I have not found that solution. All I have been able to say is that the leaders of the respective communities shall appoint a committee which will draw up the terms of reference of the Boundary Commission which has been suggested in the plan. The Boundary Commission shall have representatives of all the parties. So far as it is humanly possible there will be no interference or dictati onby the British Government. If we can be of service in advancing impartial views and helping in this work, we shall not be afraid to do so, but this is your country and it is up to you to decide what to do with it.

The most gratifying part of the whole procedure has been the absolute determination of every responsible leader with whom I have spoken that, whatever the solution finally adopted, it was going to be adopted peacefully and without any bloodshed, and they were going to throw in all their weight to stop any further trouble. Every single Member of my Cabinet individually and together has expressed to me the strongest possible wish that the Armed Forces of India should be used to ensure that there is no further bloodshed, and that is the reason and the only reason why the Defence Member, Sardar Baldev Singh, announced last night the transfer of additional troops particularly into the areas about to be partitioned—the most important being the move of the Fourth Indian Infantry Division into the areas which are about to be partitioned in the Punjab. I do not need to tell you that this is not a British move.

Now comes probably the most interesting of all the developments in the course of these very high-speed talks. After a while it became apparent to me that next to an acceptable solution or settlement all leaders wanted speed in the actual transfer of power. All leaders were anxious to assume their full responsibility at the earliest possible moment, and I was anxious to let them do so, because once the decision has been taken, why should we wait ? Waiting would only mean that I should be responsible ultimately for law and order, whereas in point of fact, however much you may talk about responsibility, it is never the same thing unless you are really legally and completely in control. How to produce that very quickly was a legal conundrum of the first order. You cannot transfer power to one or two separate Governments unless those Governments have a Constitution. One of the Governments was not even in being, nor was it certain it was coming into being. The other Government would presumably take some time in framing their Constitution because a Constitution is a thing which should not be hurried as it has to be there for all time. Therefore I was faced with the first difficulty : was I to turn over to two Governments

without a Constitution ? If not, was there any other Constitution which could possibly be used for the time being ? I do not think I need tell you, because you have studied this problem very closely, that the Government of India Act, 1935, provided the obvious answer. Some of the best brains had framed that Act. When the Secretary of State, Sir Samuel Hoare, was in the witness box of the Joint Select Committee, he answered up to 15,000 questions on this Act and he was able to answer every one to the satisfaction of the questioner without having to alter the framework of the Act. That is a very remarkable achievement, and that is the Act which, suitably adapted, will ultimately confer Dominion Status. That is the Act under which the Government has been functioning up to date and that is the Act which, as amended, will be worked until such time as the two respective Governments have made up their minds in regard to what sort of Constitution they want. I rather labour this point because I would not be a bit surprised if some of you would get up and say 'the British are not going to quit at all ; they are just dropping us into Dominion Status'. You are entitled to think that until I have given my explanation. I hope you will not think in that strain after I have given my explanation. I can assure you that it is the only solution of the problem, and if you want a proof of that, do you imagine for a moment that the responsible political parties could accept such a suggestion if it was not the only sound solution on which we could proceed ?

The curious part is, as you know, that independence through Dominion Status is complete, and the different administrations are at liberty to opt out of the Commonwealth whenever they please. Therefore, I mean it most sincerely when I say that power will be transferred as completely this year as it ever would have been by June 1948. It is a true anticipation of the transfer of power and I hope with this added advantage that instead of the British officials and officers having to get out by a certain date, whether the Indians wanted it or not—and I put it to you that although in theory some of the officers might have remained if you asked them, they would have had to resign their commissions if India had left the Commonwealth at once and so would not have been re-employed in the United Kingdom—in practice this solution enables the Indians to pick whom they want to stay here and decide for how long and on what terms of service, etc. The British will leave whenever they are told to leave. It may be we shall be out by the end of this year. It may be that it may be useful for some of the British to stay on. But the one thing which would have been wrong to say was that we are going out and we are going to leave you in a mess

and we are not going to give you any help. That would have been inexcusable. This means that the British will stay so long as they can be of use and when they are not wanted they will go exactly when they are asked to go. I cannot really put a fairer proposition to the people of India.

Now there is a third party to all these negotiations and that is the party which sits in London, Whitehall, and are legally and constitutionally responsible. I refer to His Majesty's Government. And so I took the opportunity of flying home to see them. I arrived home at lunch time on a Monday, some sixteen days ago. By tea time I was right in the midst of the India-Burma Cabinet Committee going strong. The idea of a Dominion Status solution was completely novel because it had originally nothing to do with this plan, which never contained paragraph 20. I brought it home as a surprise. The immediate answer was that it would take six or seven months to frame the necessary Act, to introduce the legislation, to pass it through the whole Committee stages and get it accepted. I asked the Prime Minister if he would kindly produce the necessary legislation in this session—that means within the next two months. The session finishes in about two months' time. He said he would do his best and invited me to come back the following day. The Lord Chancellor and the law officers of the Crown were there with the first rough outline of the new Act on which they had worked all night. The only thing that will delay the working of this Act is the uncertainty about what the Provinces are going to decide. Until, in fact, the people of India have outlined their own future and the shape of any separate State, the final terms of the Act cannot be drawn. But they can keep the Act all ready in skeleton form, filling in the bits as information comes. Then by agreement of the Opposition—as you heard in the statement made in the House by the Leader of the Opposition—this Bill will be rushed through in record time. If in fact a complete Act of Parliament of this complexity and importance can be framed and passed into law from start to finish in a matter of two months, I am told it will be a legislative record, and I think it is because of the measure of extreme goodwill that exists among all parties in England today and the sincerity of the feeling they have for the good of India that this can be achieved.

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*Broadcast message of Pandit Jawaharlal Nehru, 3 June, 1947**

Nearly nine months ago, soon after my assumption of office,

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*India. Government. *Constituent Assembly of India: Documents Relating to the Statements by His Majesty's Government on 6 December, 1946, 20 February, 1947 and 3 June, 1947*, New Delhi, Government of India Press, 1947, pp. 21-23.

I spoke to you from this place. I told you then that we were on the march and the goal had still to be reached. There ware many difficulties and obstacles on the way and our journey's end might not be near, for that end was not the assumption of office in the Government of India but the achievement of the full independence of India and the establishment of a co-operative commonwealth in which all will be equal sharers in opportunity and in all things that give meaning and value to life.

Nine months have passed, months of sore trial and difficulty, of anxiety and sometimes even of heartbreak. Yet looking back at this period with its suffering and sorrow for our people there is much on the credit side also, for India has advanced nationally and internationally, and is respected today in the councils of the world.

In the domestic sphere something substantial has been achieved though the burden on the common man still continues to be terribly heavy and millions lack food and cloth and other necessaries of life. Many vast schemes of development are nearly ready and yet it is true that most of our dreams about the brave things we are going to accomplish have still to be realized.

You know well the difficulties which the country had to face, economic, political and communal. These months have been full of tragedy for millions and the burden on those who have the governance of the country in their hands has been great indeed. My mind is heavy with the thought of the sufferings of our people in the areas of disturbance—the thousands who are dead and those, especially our womenfolk, who have suffered agony worse than death. To their families and to the innumerable people who have been uprooted from their homes and rendered destitute I offer my deepest sympathy and assurance that we shall do all in our power to bring relief. We must see to it that such tragedies do not happen again.

At no time have we lost faith in the great destiny of India which takes shape, even though with travail and suffering. My great regret has been that during this period, owing to excess of work, I have been unable to visit the numerous towns and villages of India, as I used to do, to meet my people and to learn about their troubles at first-hand.

Today I am speaking to you on another historic occasion when a vital change affecting the future of India is proposed. You have just heard an announcement on behalf of the British Government. This announcement lays down a procedure for self-determi-

nation in certain areas of India. It envisages on the one hand the possibility of these areas seceding from India ; on the other, it promises a big advance towards complete independence. Such a big change must have the full concurrence of the people before effect can be given to it, for it must always be remembered that the future of India can only be decided by the people of India, and not by any outside authority, however friendly.

These proposals will be placed soon before the representative assemblies of the people for consideration. But meanwhile, the sands of time run out and decisions cannot await the normal course of events. So while we must necessarily abide by what the people finally decide we had to come to certain decisions ourselves and to recommend them to the people for acceptance. We have, therefore, decided to accept these proposals and to recommend to our larger committees that they do likewise. It is with no joy in my heart that I commend these proposals to you, though I have no doubt in my mind that this is the right course. For generations we have dreamt and struggled for a free, independent and united India. The proposal to allow certain parts to secede if they so will is painful for any of us to contemplate. Nevertheless, I am convinced that our present decision is the right one even from the larger viewpoint. The united India that we have laboured for was not one of compulsion and coercion but a free and willing association of a free people. It may be that in this way we shall reach that united India sooner than otherwise and then she will have a stronger and more secure foundation.

We are little men serving a great cause, but because the cause is great something of that greatness falls upon us also. Mighty forces are at work in the world today and in India, and I have no doubt that we are ushering in a period of greatness for India. The India of geography, of history and tradition, the India of our minds and hearts, cannot change.

On this historic occasion each one of us must pray that he might be guided aright in the service of the motherland and humanity at large. We stand on a watershed dividing the past from the future. Let us bury that past in so far as it is bad and forget all bitterness and recriminations ; let there be moderation in speech and in writing ; let there be strength and perseverance in adhering to the cause and the ideals we have at heart. Let us face the future not with easy optimism or any complacency or weakness but with confidence and firm faith in India.

There has been violence, shameful, degrading and revolting violence, in various parts of the country. This must end. We are

determined to end it. We must make it clear that political ends are not to be achieved by methods of violence, now or in the future.

On this eve of great changes in India we have to make a fresh start with clear vision and firm mind, with steadfastness and tolerance and with a stout heart. We should not wish ill to anyone but think always of every Indian as our brother and comrade. The good of the four hundred millions of Indians must be our supreme objective. We shall seek to build anew our relations with England on friendly and co-operative basis forgetting the past which has lain so heavily on us.

I should like to express on this occasion my deep appreciation of the labours of the Viceroy, Lord Mountbatten, since his arrival here at a critical juncture in our history.

Inevitably, on every occasion of crises and difficulties we think of our great leader Mahatma Gandhi who has led us unfalteringly for over a generation through darkness and sorrow to the threshold of our freedom. To him we once again pay our homage. His blessings and wise counsel will happily be with us in the momentous years to come as always.

With a firm faith in our future I appeal to you to co-operate in the great task ahead and to march together to the haven of freedom for all in India.

Jai Hind.

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Broadcast message by Mr. M. A. Jinnah.
*3 June, 1947**

The statement of His Majesty's Government embodying the plan for the transfer of power to the peoples of India has already been broadcast and will be released to the press to be published in India and abroad tomorrow morning. It gives the outlines of the Plan for us to give it our most earnest consideration. We have to examine it coolly, calmly and dispassionately. We must remember that we have to take momentous decisions and handle grave issues facing us in the solution of the complex political problem of this great sub-continent inhabited by 400 million people. The world has no parallel for the most onerous and difficult task which we have to perform.

Grave responsibilities lie particularly on the shoulders of Indian

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*India Government. *Constituent Assembly of India : Documents Relating to the Statements by His Majesty's Government on December 6, 1946, 20 February 1947 and 3 June, 1947*, New Delhi, Government of India Press, 1947, pp. 23-24.

leaders. Therefore, we must galvanize and concentrate all our energies to see that the transfer of power is effected in peaceful and orderly manner. I most earnestly appeal to every community and particularly to Muslim India to maintain peace and order. We must examine the Plan, its letter and spirit and come to our conclusions and take our decisions. I pray to God that at this critical moment He may guide us and enable us to discharge our responsibilities in a wise and statesman-like manner having regard to the *sum toto* or the plan as a whole.

It is clear that the Plan does not meet in some important respects our point of view ; and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the Plan. It is for us now to consider whether the plan as presented to us by His Majesty's Government should be accepted by us as a compromise or a settlement. On this point I do not wish to pre-judge the decision of the Council of the All-India Muslim League which has been summoned to meet on Monday, 9th of June ; and the final decision can only be taken by that Council according to our constitution, precedents and practice. But so far as I have been able to gather on the whole the reaction in the Muslim League circles in Delhi has been hopeful. Of course, the plan has got to be very carefully examined in its pros and cons before the final decision can be taken.

I must say that I feel that the Viceroy has battled against various forces very bravely and the impression that he has left in my mind is that he was actuated by a high sense of fairness and impartiality. It is up to us now to make his task less difficult and help him as far as it lies in our power in order that he may fulfil his mission of transferring power to the peoples of India in a peaceful and orderly manner.

Now, the plan that has been broadcast already makes it clear in paragraph 11 that a referendum will be made to the electorates of the present Legislative Assembly in the North-West Frontier Province who will choose which of the two alternatives in paragraph 4 they wish to adopt ; and the referendum will be held under the aegis of the Governor-General in consultation with the Provincial Government. Hence it is clear that the verdict and the mandate of the people of the Frontier Province will be obtained as to whether they want to join the Pakistan Constituent Assembly or the Hindustan Constituent Assembly. In these circumstances, I request the provincial Muslim League of the Frontier to withdraw the movement of peaceful civil disobedience which they had *perforce* to resort to ; and I call upon all the leaders of the Muslim League and

Mussulmans generally to organize our people to face this referendum with hope and courage and I feel confident that the people of the Frontier will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

I cannot but express my appreciation of the sufferings and sacrifices made by all classes of Mussulmans and particularly the great part the women of the Frontier played in the fight for our civil liberties. Without apportioning blame, and this is hardly the moment to do so, I deeply sympathize with all those who have suffered, and those who died or whose properties were subjected to destruction, and I fervently hope that the Frontier will go through this referendum in a peaceful manner and it should be anxiety of everyone to obtain a fair, free and true verdict of the people of the Frontier. Once again, I most earnestly appeal to all to maintain peace and order. Pakistan *Zindabad.*

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Announcement of Lord Mountbatten, June 10, 1947

In pursuance of paragraph 21 of the Statement by His Majesty's Government dated the 3rd June, 1947, His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of giving effect to paragraphs 5 to 8 of the Statement :

1. The members of the Bengal Legislative Assembly representing for the time being the constituencies specified in schedules one and two, and the members of the Punjab Legislative Assembly representing for the time being the constituencies specified in schedules three and four, shall form the two parts of the Bengal Legislative Assembly and the Punjab Legislative Assembly, respectively, for the purpose of taking the decisions referred to in paragraphs six and eight of the Statement.

2. The Governor of Bengal shall summon the members forming each such part of the Bengal Legislative Assembly, and the Governor of the Punjab shall summon the members forming each such part of the Punjab Legislative Assembly, to meet on such date, at such time and in such place as he may think fit, for the purpose of taking their decision or decisions in accordance with paragraphs six, seven and eight of the Statement.

3. The Governor shall appoint one of the members of each such body to preside over its meetings, and also one of the members of either body to preside over the meeting referred to in paragraph seven of the Statement in the event of such a meeting being held. Every such person shall have a right to vote on any issue before the meetings presided over by him, but shall not have or exercise a casting vote.

4. Each such body shall have power to act notwithstanding any vacancy in the membership thereof.

5. The President of each such body shall, at the commencement of its meeting, ascertain if any member demands that the joint meeting referred to in paragraph seven of the Statement should be held, and shall forthwith communicate the result to the President of the other body. Should there be such a demand from any member, the joint meeting shall be held forthwith at such place as may have been appointed in this behalf by the Governor. Immediately on the conclusion of such joint meeting, the two bodies shall re-assemble separately for the purpose of taking their decisions referred to in paragraphs six and eight of the Statement.

6. Subject to the provisions of paragraphs three, four and five, each such body shall determine its own procedure.

7. The President of each such body shall communicate its decision or decisions to the Governor.

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Resolution of the All-India Congress Committee,
*June 15, 1947**

The A. I.C.C. has given careful consideration to the course of events since its last meeting in January last and, in particular, to the statements made on behalf of the British Government on February 20, 1947, and June 3, 1947. The Committee approves and endorses the resolutions passed by the Working Committee during this period.

The Committee welcomes the decision of the British Government to transfer power completely to the Indian people by next August.

The congress accepted the British Cabinet Mission's Statement of 16th May, 1946, as well as the subsequent interpretation thereof dated 6th December, 1946, and has been acting in accordance with it in the Constituent Assembly which was constituted in terms of the Cabinet Mission's Plan.

That Assembly has been functioning for over six months and has not only declared its objectives to be the establishment of an independent sovereign republic of India and a just social and economic order, but has also made considerable progress in framing the constitution for the free Indian Union on the basis of fundamental rights guaranteeing freedom and equality of opportunity to all Indians.

In view, however, of the refusal of the Muslim League to accept the Plan of 16th May and to participate in the Constituent Assembly, and further in view of the policy of the Congress that "it cannot think

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in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will", the A.-I.C.C. accepts the proposals embodied in the announcement of 3rd June, which have laid down a procedure for ascertaining the will of the people concerned.

The Congress has consistently upheld that the unity of India must be maintained. Ever since its inception, more than sixty years ago, the National Congress has laboured for the realization of a free and united India, and millions of our people have suffered in this great cause. Not only the labour and sacrifices of the past two generations but the long course of India's history and tradition bear witness to this essential unity. Geography and the mountains and the seas fashioned India as she is, and no human agency can change that shape or come in the way of her final destiny. Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary. The picture of India we have learnt to cherish will remain in our minds and hearts. The A.-I.C.C. earnestly trusts that when present passions have subsided, India's problems will be viewed in their proper perspective and the false doctrine of two nations in India will be discredited and discarded by all.

The proposals of June 3, 1947, are likely to lead to the secession of some parts of the country from India. However much this may be regretted, the A.-I.C C. accepts this possibility, in the circumstances now prevailing.

Though freedom is at hand, the times are difficult, and the situation in India demands vigilance and a united front of all those who care for the independence of India. At this time of crisis and change, when unpatriotic and anti-social forces are trying to injure the cause of India and her people, the A.-I.C.C. appeals to and demands of every Congressman, and the people generally, to forget their petty differences and disputes and to stand by, vigilant, disciplined and prepared to serve the cause of India's freedom and defend it with all their strength from all who seek to do it injury.

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Announcement of Lord Mountbatten,
June 16, 1947

In pursuance of Paragraph 21 of the statement by His Majesty's Government dated the 3rd June, 1947, His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of giving effect to paragraph 13 of the statement :

(1) If in accordance with the procedure laid down in the announcement dated the 10th June, 1947, it is decided that Bengal should be partitioned, the members of the Bengal Legislative Assembly, representing for the time being the constituencies specified in schedule to that announcement, shall forthwith proceed to decide the following question, namely :

Whether, if referendum to be held in Sylhet district in accordance with Paragraph 13 of the statement by His Majesty's Government dated the 3rd June, 1947, results in favour of the amalgamation of the district of Sylhet with the new province of Eastern Bengal, that province should agree to such amalgamation.

(2) The member of the above body appointed by the Governor under Paragraph 3 of the announcement dated the 10th June, 1947, to preside over its meetings shall preside over the meeting of that body held for the purpose of deciding the above question, and shall in due course communicate its decision to the Governor of Bengal.

(3) The Governor of Bengal shall communicate the terms of this announcement to all members of the above body.

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Explanation of Indian Independence Bill,
July 5, 1947

Sardar Vallabhbhai Patel, Member for Information and Broadcasting, presiding over a Press Conference at which Mr. V. P. Menon, Reforms Commissioner, explained the implications of the Indian Independence Bill, said, "This is a Bill the object of which is to transfer power as quickly as possible. It is not that on all points everybody can be satisfied. There may be some lacuna, some gaps, some difficulties and some doubts but all constitutions are like that. Constitutions are amended by exigencies of circumstances and in this country there are many circumstances which will create difficulties. No bill or constitution can deal with all these difficulties. On the whole, one thing is certain, that is that on August 15 India is completely free. And that is the greatest achievement of India and, one may say, it is one of the greatest acts done in history by any power."

Sardar Patel said that in the history of the British Parliament, there was hardly any other instance in which a bill had been introduced and was expected to be passed so quickly as the present Bill.

Mr. Menon, he added, had made no mean contribution in the making of this draft so far as the Government of India's point of view was concerned.

Intervening in the course of the conference, Sardar Patel revealed that it had been agreed to by the parties concerned to refer to a

judicial tribunal all points of dispute arising out of division of assets and liabilities.

Mr. V. P. Menon stated that the Press Conference was convened at the instance of the Viceroy who personally asked Sardar Patel to preside and that he was grateful that Sardar Patel had been able to accept. Mr. Menon added that the views he would put forward in the course of the conference would be his personal views but on one point they would represent the authoritative views of the Viceroy and His Majesty's Government. This point was Clause 6 of the Bill.

Mr. Menon said that Clause 6 was the pivotal provision in the Bill establishing beyond doubt or dispute the sovereign character of the legislature of each of the new Dominions and giving them the fullest measure of Independence.

Sub-clauses (2), (4) and (5) removed every possible element of subordination to, or dependence on, the Parliament of the United Kingdom. In particular, the power to amend or repeal "this or any existing or future Act of Parliament", in so far as it affected the Dominion, constituted a complete and unreserved transfer of sovereign power.

Sub-clause (6) was inserted to show that the Constituent Assembly for each Dominion could constitute a Federation by voluntarily limiting each other's plenary power as the Legislature for the Dominion and giving autonomy to Provincial Legislatures in respect of particular subjects.

Mr. Menon said that though in size it was a short Bill and its provisions might appear quite simple, the amount of work which had been put in on it during the brief period of its production was quite incredible. In the final stages of its birthpangs, it kept India Office and Viceroy's House practically sleepless for two nights. For instance, the draft in what might be called its provisionally final form was presented to the leaders on the morning of July 2 and their comments were received and communicated to the Secretary of State in the afternoon of July 3. In the evening these comments were considered by the Viceroy and his staff and H.E.'s views were communicated to London late that night. The Parliamentary draftsmen then had to prepare amendments, which were rather extensive, and then these amendments had to be considered by the Cabinet before its introduction on July 4. Mr. Menon said the names of the two Dominions were as desired by the Congress and the Muslim League respectively.

Asked whether Section 1 prevented the British Parliament from recognising subsequently any more Dominions other than the two in

India, Mr. Menon said that on the face of it, it did not, but there were other difficulties.

Sardar Patel : "The jurisdiction of Parliament over India has ended with this Bill. It has nothing to do with India hereafter".

"Supposing Hyderabad applied for Dominion Status in the British Commonwealth, what will be the position ?"

Mr. Menon : "Hyderabad can certainly apply for Dominion Status but whether the British Government will agree is another matter".

"Is there any understanding that the British Government will not recognise any other Dominion in India ?"

Mr. Menon : "I think it is very difficult for H.M.G. to recognise a Dominion other than these two behind their back".

Referring to the status of Berar, Mr. Menon said that Berar was not included in the Indian Dominion under this Bill.

"Does this mean that unless the Nizam agrees to continue the present status, Berar automatically goes to Hyderabad ?"

Mr. Menon : "It does not go, physically Berar is part of the C.P. now".

Replying to further questions, Mr. Menon said that legally it would be correct to say that representatives of Berar would not be entitled to sit in the Constituent Assembly but the actual position was different. Berar continued to be a part of the Central Provinces physically. The whole question of Berar was a matter for negotiation, not interpretation, and he did not think that the Nizam would be unreasonable in this regard.

The constitutional position was, Mr. Menon said, if there was no agreement between the Nizam and the Indian Union before August 15, "I prefer to wait and see."

Mr. Menon explained that the Andamans would continue to be part of the Indian Dominion.

Referring to the international status of the two Dominions, Mr. Menon said that the question could not be finally decided by Parliamentary legislation ; it was a matter for international authorities like the U.N.O. and other countries. To-day India had sent accredited representatives. The inference could legitimately be drawn that the new Dominion of India would continue the existing international personality of British India and Pakistan would be regarded as a new entity.

"India minus Pakistan is still India ?"

Mr. Menon. "Yes".

Replying to a question about the Boundary Commissions, Mr. Menon said that the Commissions' awards would be automatically implemented by the Governor-General. The Governor-General could not change the awards.

Sardar Patel, answering a question on the proviso in Section 7 whereby agreements relating to customs, transit and communications, posts and telegraphs or other like matters could be denounced by the Ruler of an Indian State or person having authority in the tribal areas on the one hand or by the Dominion or province on the other, said, "Whoever denounces such agreements takes the responsibility for the consequences."

Mr. Menon said in reply to further questions that the Governor-General's power to issue ordinances would continue, but on the advice of his Cabinet.

As regards the status of British officers, the Dominion would have no jurisdiction so far as the application of the ordinary law was concerned, but for operational purposes, etc. they would be under the Dominion. For instance, the Australian law did not apply to British soldiers serving there. Similarly, if Indian soldiers served in Australia after August 15, the Australian law need not apply to them.

Explaining the clause on temporary provisions as to government of each of the new Dominions, Mr. Menon said that a distinction had been made between the constitution-making functions of the Constituent Assembly and its ordinary legislative functions. When the Constituent Assembly functioned as the Central Legislature of the Dominion (but not when it was making the constitution of the Dominion), it would be bound by the existing distribution of legislative power between the Centre and the provinces. Sub-Clause 2 of Clause 8, read with paragraph (C) of sub-clause (1) of Section 9, was of great practical importance. These provisions enabled the Governor-General to "adapt" the Government of India Act, 1935, separately for the immediate needs of each of the two Dominions and thereby provide a workable constitution until such time as the Constitution devised by that body was put into operation. This latter procedure would necessarily take time, and during the interim period it was essential to have a constitution which would be readily ascertainable.

It would be noticed that Paragraph (C) of the proviso to sub-clause (2) of section 8 expressly abrogated the discretionary and "individual judgment," functions of the Governor-General and Governors under the Government of India Act, 1935.

On and after August 15 they would act only on the advice of their Ministers.

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Debate in the House of Commons, July 10-14 ,1947

Speech of Mr. Attlee, July 10-11, 1947

In moving the second reading of the Indian Independence Bill, Mr. Attlee said, "I have it in command from His Majesty to acquaint the House that he places his prerogatives and interests so far as the matters dealt with by the Bill at the disposal of the Parliament."

Amid loud cheers he declared, "This is not abdication, it is the fulfilment of Britain's mission."

Turning to the provisions of the Bill he said, "In Clause (1) provision is made for the setting up from August 15 next of two Dominions to be known as India and Pakistan. These are the names by which the spokesmen of the Indian parties wish the Dominions to be called and as presumably it would be in the powers of the Dominions once set up to change their names, it does not, seem worthwhile to make any alteration or spend much time on the point.

Clauses (2), (3) and (4) give effect to the methods whereby the Indian people, through their own representatives, were given the opportunity of deciding on a division of territory. It has already been decided that Bengal and the Punjab should be divided, and in the North-West Frontier Province and in Sylhet voting is taking place to decide the future of these areas.

We expect that in a few days the broad division will have been made, but it will have been noted in accordance with what I indicated to the House that the details of the delimitation of boundaries will be done by two Commissions.

These Commissions will be starting work forthwith. Hindus, Muslims and in the case of the Punjab, Sikhs, will be members. I am glad to say that Sir Cyril Radcliffe, K.C. has accepted a request made by all parties in the Government of India to be Chairman of both Commissions.

Clause (5) provides for appointment by the King of a Governor-General for each of the new Dominions with a proviso however, that until provision is made to the contrary by either of the two Dominions, the same person may be Governor-General of both. This is a pretty clear clause.

Normally, it would be both unnecessary and inexpedient for a

Minister here to say anything more about it. The House is aware that the appointment of a Governor-General in the Dominions is made by the King on the advice of his Ministers in the Dominion concerned and it would be wholly improper for the British Government in the United Kingdom to be in any way concerned in the matter.

But to-day it is necessary for me to make some further comment because the position in relation to the appointment of Governors-General to the new Dominions is exceptional. It is not possible to follow the normal procedure in this case. Under the Bill, the Governors-General will have to be appointed as from August 15. Although the two countries become Dominions from that date, there can be no Ministers formally to advise the Crown until a Governor-General have been appointed and Ministers have taken office.

In these circumstances it was agreed with the Indian leaders, and the King's approval was obtained, that the Viceroy would consult the recognised leaders of Congress and the Muslim League as to whom they would wish to recommend for appointment as Governor-General. Then their advice would be formally tendered to the King by the British Government in the United Kingdom. This procedure will only apply in the present case. Although the appointments are to be made on the formal advice of Ministers here, they were in fact the recommendation of the Indian leaders themselves.

So much for the exceptional procedure in the present instance. But the Viceroy has represented that in the interest of all, some statement should be made at an early date about the persons to be recommended for the posts. This is most unusual procedure.

I have received the King's specific authority for referring to the recommendations which are before him to which assent cannot be given until the Bill has become law.

It had been intimated to us that it would be most convenient to all concerned to have one Governor-General for both Dominions in the initial stages. For some time we proceeded on this assumption, but it has recently become clear, however, that the Muslim League was in favour of a separate Governor-General to be appointed for Pakistan.

It is obviously desirable that this matter should be settled at the earliest opportunity in order that the position may be understood in India and so that the new Governors-General can prepare themselves to take over on August 15.

Both Congress and Muslim League have been recognised in the Bill as successor authorities and they have made recommendations which have been made by the British Government to His Majesty.

While the formal announcement must await the passing of the Bill, His Majesty has intimated that he will be prepared to accept these recommendations as soon at the Bill is passed.

The recommendations are in favour of the present Viceroy as Governor-General of India and Mr. Jinnah as Governor-General of Pakistan. I wish to add that the recommendation of Lord Mountbatten is also welcomed by the Muslim League."

The Prime Minister continued : "I am also informed that the Muslim League have agreed that he shall be Chairman of the Joint Defence Council, which will be responsible for the Central Administration of the armed forces until such time as India and Pakistan are themselves in a position to administer.

I am quite sure that the House will agree with me that these recommendations show that Lord Mountbatten has carried out his duties in India with complete impartiality and has won the confidence of all peoples of India. He has expressed his willingness to serve in this capacity, at all events, during the transition period.

I want here and now to pay my tribute to Lord Mountbatten. Great benefits for the whole continent of India would have followed his appointment as Governor-General of both Dominions. But this is not to be. As the constitutional Governor-General, he will act on the advice of Ministers in all matters."

Mr. Attlee continued that Lord Mountbatten had built up a remarkable position for himself with both parties in India and his wise counsel and his great devotion to the public cause, without any thought at all for his own personal position, will undoubtedly prove the most beneficial factor for the future development of India.

He went on, "Clause (6) of the Bill deals with the powers of the Legislatures of the new Dominions. The aim of the clause is to put the new Dominions in the same position as that enjoyed by existing Dominions. That is to say, they shall not be fettered by any of the limitations which are appropriate to Colonial Legislatures.

The basis of the Dominion Legislatures is set out in Sections (2) to (6) of the Statute of Westminster, and this clause, although different in actual form from these clauses, because the Statute of Westminster dealt with Parliaments actually in being and subjected theoretically at times to certain restrictions, has in substance, I am advised, precisely the same effect.

Clause (7) Section (1), deals with the Indian States. The House will remember that the Cabinet Mission in their Memorandum of May 12, 1946, informed the States that His Majesty's

Government could not, and would not, in the circumstances, transfer Paramountcy to an Indian Government.

With the transfer of power to two Indian Dominions, it is necessary to terminate the Paramountcy and suzerainty of the Crown over the Indian States and with them the political engagements concluded under Paramountcy and the mutual rights and obligations of the Crown which derived therefrom.

The reason for this is that they all depend for their implementation on the continuance and responsibility of Great Britain for the government of India. With the transfer of power to two Dominion Governments it would be impossible for the British Government to carry out these obligations.

The important elements of these rights and obligations concern the protection of the States against external aggression or internal subversive movement and the methods whereby the Paramount Power has in the past influenced the policy of the States so as to enable it and them to fulfil such undertakings.

A feature running through our relations is that they have received no international recognition, independent of India as a whole.

With the ending of these treaties and agreements, the States regain their independence. But they are part of geographical India and their rulers and peoples are imbued with a patriotism no less great than that of their fellow Indians in British India.

It would be, I think, unfortunate, if owing to the severance of their Paramountcy relations with the Crown, they were to become islands cut off from the rest of India.

The termination of their existing relationship with the Crown need have no such consequences. In fact already a large number of the States have declared their willingness to enter into relationship with the new Dominions and some have been represented in the Constituent Assembly of India.

It is the hope of His Majesty's Government that all the States will in due course find their appropriate place with one or the other Dominion within the British Commonwealth. But until the constitutions of the Dominions have been framed in such a way as to include the States as willing partners, there must necessarily be a less organic form of relationship between them and there must be a period before a comprehensive system can be worked out.

But quite apart from the political relationship between the States and British India, there has grown up during the years financial and economic arrangements in relation to such matters as

Posts, Telegraph, Customs and Communications which it would be disastrous to terminate immediately.

The proviso in clause (7), Section (1) of the Bill is designed to secure the continuance of the existing arrangements in this field until there has been time for detailed negotiations between the parties.

After the transfer of power, more detailed arrangements will have to be concluded between the States.

These later arrangements will, of course, take time to conclude and the transition of the State from the lapse of Paramountcy into a free association with the new Dominions is a process naturally requiring proper discussion and deliberation.

We welcome the active steps being taken to set up States Departments of the new Dominions to handle negotiations with the States Governments. We trust this will facilitate the negotiations and the arrangements to which I have referred.

If I were asked what would be the attitude of His Majesty's Government to any State that has decided to cut adrift from its neighbours and assert its independence, I would say to the ruler of that State, take your time and think again. I hope no irrevocable decisions will be taken prematurely.

Clause (7), Section (1) of the Bill is related to Paragraph (17) of the Statement of June 3 which said that 'agreement with Tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.'

The effect of this Clause will be to leave it open to Constituent Assemblies of the new Dominions to initiate fresh agreements with the jirgas or tribal assemblies who are treaty-making bodies empowered to enter into agreement on behalf of the tribes.

As the House is aware, these tribal areas are not part of British India, relations with these are governed by a series of treaties and agreements The termination of these agreements will place the tribes under appropriate successor Government, in a position to freely negotiate fresh agreements.

Sub-section 2 of Clause (7) of the Bill deals with the Royal Style and Titles "Indiae Imperator" and the words "Emperor of India".

A change in the Royal Style and Title is not a matter for United Kingdom alone. It concerns other members of the British Commonwealth as well.

For practical reasons it has not been possible for such Parlia-

mentary action as might be deemed necessary to be taken in all these countries simultaneously with legislation here.

But as a result of consultations with the Prime Ministers concerned, I am authorised to state that they agree to the proposed change in the Royal Style and Titles and they will take such steps as they consider necessary to obtain the consent of their Parliaments. So some time would elapse before this sub-section would become operative.

With the passing of all British control in the Indian continent, the historic office of the Secretary of State for India will come to an end. The conduct of relations with India will fall within the scope of the Secretary of State for Commonwealth Relations.

For the transitional period there will no doubt be in relation to India and Pakistan a considerable volume of work, much of it of a winding up character, which would not ordinarily fall within the range of the functions of the Secretary of State for Commonwealth Relations.

The Indian leaders have agreed in principle to the setting up of an arbitration tribunal to which should be referred any question regarding the division of assets and liabilities upon which the two Governments cannot reach agreement. The question of the composition of that tribunal is still under discussion.

The Governor-General has in particular the task of arranging during the transition period for the carrying out of services which are vital to the interests of both the new Dominions. The House will realise the great problems of dealing with such matters as Railways and other Communications, the Reserve Bank, monetary and fiscal systems and of course Defence, to mention only some of the most obvious examples of those services which have hitherto been operated in the interests of the whole of India.

It must take time before separate systems can be set up and agreements have to be made between the two Dominions. It is for this reason that such wide powers are given to the Governor-General.

It would have simplified matters if the same person had held the position of Governor-General in both Dominions but it had been decided otherwise. It is clear that it can only be worked effectively by agreement between the two Governors-General.

These powers of the Governor-General will come to an end on March 31 next unless terminated earlier by the Dominion Legislatures.

A similar, although smaller, problem is involved in the division

of the Punjab, Bengal and possibly Assam. These powers are also given to the Governors of these provinces, but only up to August 15.

He continued, "As to Clause (10) it deals with the position of the Services. The House will recollect that the British Government in the White Paper published here last April made their position plain with regard to the Services, and the pledges given then by the British Government in the United Kingdom stand.

It was then stated that the Government of India accepts liability for pensions earned by service under the Secretary of State, whether as civilians or members of the Defence Services. Clause (10), which has been inserted at the express request of the leaders of the Indian parties, provides for the maintaining of the existing conditions as well as pensionary rights in the case of those members who serve the Governments of the new Dominions.

As regards persons who have been in Government service, whether Central or Provincial, but not specifically under the Secretary of State, I am happy to be able to announce that the leaders of the Indian parties have guaranteed existing terms and conditions of service to all their employees, including Europeans.

This covers pensionary and Provident Fund liabilities and excludes any question of discrimination between Indian and non-Indian, but it must not be regarded as excluding the right of any Government to revise the salaries of their servants from time to time.

There is one category for which the British Government have a special degree of responsibility, namely, towards the men who have served in the Secretary of State's and analogous Services.

We intend to invite the new authorities to negotiate in due course an agreement whereby a capital sum in sterling would be set aside to meet this liability. Meanwhile those concerned have the assurance of the British Government that they will receive the pensions to which they are entitled.

There are some other important matters. The first is, that regarding the partition of the armed forces."

Mr. Attlee mentioned that since July 7, there had been a Partition Committee and a number of Expert Committees set up to carry out the partition, but he added that these were really fact-finding and had the duty of making proposals and not reaching a final decision.

He said that on July 1, the Partition Council reached agreement on the general principles for the reconstruction of the armed forces. "Until the division of the forces is complete and the two Dominion Governments are in a position to administer them, all the existing armed forces in India will remain under the administration and

control of the present Commander-in-Chief, who will be in turn under the joint Defence Council consisting of the two Governors-General, the two Defence Ministers and the Commander-in-Chief himself.

Section (14) deals with the position of the Secretary of State and the Auditor of Indian Home Accounts. The Advisers of the Secretary of State provided for in the Government of India Act will cease to function.

In regard to the relation between this country and the new Dominions, it has been our intention that there should be negotiation, simultaneously with the transfer of power, on treaties or agreements covering matters arising out of the transfer of power in India.

Owing to the course of events in India it has not been possible for such agreements to be negotiated. It is only since the Statement by His Majesty's Government of June 3 that it has become clear that the transfer of power will be to two separate States ; the areas to be included in these States are not yet completely delimited, and their Governments have not yet been constituted.

It has not, therefore, been possible to negotiate agreements with the successor authorities, though it is our intention to begin such negotiations when the new Indian Governments are in the saddle.

Apart, however, from the matters arising out of the transfer of power, there are other very important matters on which we hope to have negotiations with the Indian and Pakistan Governments. We desire to establish, by free negotiations, close, cordial and effective arrangements with both the Dominions in all fields affecting our common interests and particularly in regard to defence matters and in the economic field.

I have endeavoured to explain to the House the general purpose and provision of these measures. There are no doubt many points of detail which members will raise in the course of the debate and in the Committee stage."

Mr. Attlee said it would be their object to give the House the fullest information and explanation in their power, though inevitably, there were some matters on which it would not be possible to answer with precision. "This Bill is, unlike other Bills, dealing with India. It does not lay down, as in the Act of 1935, a new constitution for India providing for every detail. It is far more in the nature of an enabling bill—a bill to enable the representatives of India and Pakistan to draft their own constitution and to provide for the exceedingly difficult period of transition."

* * * *

Summary of Proceedings of the Working Committee
Delhi July 19-20, 1947
August 15, 1947

"The Working Committee welcome the ending of foreign domination in India and the dawn of freedom for which her people have laboured and suffered for generations. That freedom has come in a manner which does not bring full joy with it, for it is accompanied by the secession of some parts of the country and the breaking up of the living unity of India, which nature, history, and tradition had fashioned, and which was firmly tied up with the ideal of freedom. The Committee believe that the destiny of India will yet be realised and that, when passions have cooled, a new and stronger unity based on goodwill and co-operation will emerge.

The Committee realise fully that the ending of British rule in India is an event of historic and world significance, which opens the doors of freedom and opportunity to our people and which will have far reaching consequences in national and international affairs. To India, it brings substantial attainment of her objective and the freedom to advance according to the wishes of her people.

The Committee is of opinion that this event should be fittingly and solemnly celebrated all over the country. With this object in view, the Committee advises that on the 15th August,

1. A public holiday should be proclaimed.

2 The National Flag should be hoisted on public and private buildings.

3. Meetings should be held in the afternoon, explaining the significance of the occasion and reading out a statement which will be subsequently communicated.

4. The people should dedicate themselves anew to the national cause, and more particularly, to the freedom and progress of the backward classes and the common man.

August 15th ends an era and begins another. The Committee calls upon the people to begin this new era in India's history with courage, discipline and confidence and with the determination to extend full freedom and opportunity to every citizen to whatever religion or class he or she may belong".

W.C. : July 19-20, 1947 : Delhi : II.

* * * *

India (Provisional Constitution) Order, 1947

3. (1) As from the appointed day, the Government of India Act, 1935, including the provisions of that Act which have not come into force before the appointed day, and the India (Central Govern-

ment and Legislature) Act, 1946, shall, until other provision is made by or in accordance with a law made by the Constituent Assembly of India, apply to India with the omissions, additions, adaptations and modifications directed in the following provisions of this paragraph and in the Schedule to this order.

(2) The following expressions shall be omitted wherever they occur, namely, "in his discretion", "acting in his discretion" and "exercising his individual judgement."

* * * *

The Schedule

The Government of India Act, 1935.

Section 2. Omit.

Section 3. For this section substitute : "3. The Governor-General.—The Governor-General of India is appointed by a Commission under the Royal Sign Manual".

Section 4. Omit.

* * * *

Section 6. For this section substitute : "6. Accession of Indian States.—(1) An Indian State shall be deemed to have acceded to the Dominion if the Governor-General has signified his acceptance of an Instrument of Accession executed by the Ruler thereof whereby the Ruler on behalf of the State : (*a*) declares that he accedes to the Dominion with the intent that the Governor-General, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the Stase such functions as may be vested in them by order under this Act ; and (*b*) assumes the obligations of ensuring that due effect is given within the State to the provisions of this Act so far as they are applicable therein by virtue of the Instrument of Accession....."

* * * *

Section 9. For this section substitute : "9. Council of ministers —There shall be a Council of ministers to aid and advise the Governor-General in the exercise of his functions."

* * * *

Sections 11-15. Omit.

* * * *

Section 18. For this section substitute : "18. Constitution of the Dominion Legislature.—The powers of the Dominion Legis-

lature under this Act shall, until other provision is made by or in accordance with a law made by the Constituent Assemby under sub-section (1) of section 8 of the Indian Independence Act, 1947, be exercisable by that Assembly....."

* * * *

Section 42. For this section substitute : "42. Power of Governor-General to promulgate ordinances in cases of emergency.—The Governor-General may, in cases of emergency, make and promulgate Ordinances for the peace and good government of the Dominion or any part thereof, and any Ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Dominion Legislature ; but the power of making Ordinances under this section is subject to the like restrictions as the power of the Dominion Legislature under this Act to make laws ; and any ordinance made under this section may be controlled or superseded by any such Act".

Sections 43-45. Omit.

* * * *

Section 47. For this section substitute : "47. Provisions as to Berar.—Berar shall continue to be governed together with the Central Provinces as one Governor's Province under this Act by the name of the Central Provinces and Berar and in the same manner as immediately before the establishment of the Dominion ; and any references in this Act to the Dominion of India shall be construed as including a reference to Berar."

* * * *

Section 50. For this section substitute : "50. Council of ministers.—There shall be a council of ministers to aid and advise the Governor in the exercise of his functions."

Section 51. Omit sub-section 5.

Sections 52-54. Omit.

* * * *

Sections 56-58. Omit.

Section 74. In sub-section (2) omit "or effects the discharge of any of his special responsibilities" and the last sentence.

Section 76. In sub-section (1) omit " or that he reserves the Bill for the signification of His Majesty's pleasure thereon."

Omit sub-section (2).

Section 77. Omit.

* * * *

Section 88. For the proviso to sub-section (1) substitute :

"Provided that the Governor shall not, without instructions from the Governor-General, promulgate any such Ordinance if an Act of the Provincial Legislature containing the same provisions would under this Act have been invalid unless, having been reserved for the consideration of the Governor-General, it had received assent of the Governor-General."

In sub-section (2) omit paragraph (*b*).

Sections 89, 90. Omit.

Section 91. For this section substitute : "91. Excluded areas and partially excluded areas.—In this Act, the expressions 'excluded area' and 'partially excluded area' mean respectively such areas as were excluded or partially excluded areas immediately before the establishment of the Dominion."

* * * *

Section 93. Omit.

* * * *

Section 96. For this section substitute : "96. The Andaman and Nicobar Islands.—The Governor-General may make regulations for the peace and good government of the Andaman and Nicobar Islands, and any regulations so made may repeal or amend any Act of the Dominion Legislature or any existing law which is for the time being applicable to the Province, and, when promulgated by the Governor-General, shall have the same force and effect as an Act of the Dominion Legislature which applies to the Province."

Section 97. For "His Majesty in Council" substitute "or in accordance with a law made by the Constituent Assembly under sub-section (1) of section 8 of the Indian Independence Act, 1947."

Section 98. Omit.

Section 99. In sub-section (1) for "for the whole or any part of British India or for any Federated State" substitute "(including laws having extra-territorial operation) for the whole or any part of the Dominion".

Omit sub-section (2).

* * * *

Section 102. For sub-section (3) substitute : "(3). A Proclamation of emergency may be revoked by a subsequent Proclamation."

Section 104. Omit sub-section (2).

* * * *

Section 107. In sub-section (2) omit "or for the signification of His Majesty's pleasure", and "or of His Majesty."

Section 108. Omit.

* * * *

Sections 110-121. Omit.

Section 123. Omit.

Section 126. In the proviso to sub-section (2) omit "either Chamber of."

Omit sub-section (4).

In sub-section (5) for the words from "without prejudice" to "Governor of" substitute "The Executive Authority of the Dominion shall also extend to the giving of directions to."

* * * *

Section 142. For "His Majesty in Council" substitute "Order of the Governor-General", for "His Majesty" substitute "the Governor-General", and omit the proviso.

Section 143. After sub-section (1) insert : "(1A). Nothing in the foregoing provisions of this chapter authorises the levy of any duty or tax by the Dominion in any acceding State unless provision in that behalf is made in the Instrument of Accession of that State."

Sections 145-149. Omit.

Section 152. Omit.

* * * *

Sections 157-161. Omit.

* * * *

Sections 179-199. Omit.

Section 200. In sub-section (1) for "as His Majesty" substitute "as the Governor-General" and for "an address has been presented by the Federal Legislature to the Governor-General for submission to His Majesty praying for" substitute "a resolution is passed by the Dominion Legislature approving."

In sub-section (2), for "His Majesty by warrant under the Royal Sign Manual" substitute "order of the Governor-General" and in paragraph (*b*) of the proviso omit "by His Majesty" where those words occur for the second time.....

Section 219.....Add the following sub-section : "(3). In this Chapter "India" means the territories comprised in the Governor's Provinces and Chief Commissioners' Provinces, and does not include any Acceding State."

**Quoted in* A.C. Banerjee's *The Making of the Indian Constitution*, 1939-47, pp. 545-552.

Sections 232-239. Omit.

* * * *

Sections 248-252. Omit.

* * * *

Sections 278-289. Omit.

Section 290. In sub-section (1) for "His Majesty may by Order-in-Council" substitute "the Governor-General may by order" and for the words from "before the draft" to "Chamber or chambers of the Legislature" substitute "before making any such order the Governor-General shall ascertain the views of the Government."

For sub-section (2) substitute : "(2). An Order made under this sub-section may contain such provisions as the Governor-General may deem necessary or proper—(*a*) for varying the representation in the Dominion Legislature of any Governor's Province the boundaries of which are altered by the Order ; (*b*) for varying the composition of the Legislature of any such province ; (*c*) where a new Governor's Province is created, for constituting the Legislature thereof ; (*d*) for other supplemental, incidental and consequential matters".

* * * *

Sections 307-310. Omit.

* * * *

Sections 312-320. Omit.

First Schedule. Omit.

Second Schedule. Omit.

* * * *

Seventh Schedule. In List 1, for entry 1 substitute :—

"1. The naval, military and air forces of the Dominion and any other armed forces raised or maintained by the Dominion ; and armed forces which are not forces of the Dominion but are attached to or operating with any of the armed forces of the Dominion ; Central Intelligence Bureau ; preventive detention for reasons of State connected with Defence or External Affairs" ;

(In List 1) in entry 2, omit "(not being cantonment areas of Indian State troops)", and omit "within British India" ;

(In List 1) in entry 9, for "Federal" substitute "Dominion" ;

(In List 1) in entry 17, after "domiciled in India" insert "or" and omit "or British subjects domiciled in the United Kingdom" ;

(In List I) in entries 34 and 36, for "Federal control" substitute "Dominion control" ;

(In List 1) for entry 39 substitute : "39. Extension of the powers and jurisdiction of members, of a police force belonging to any province to any area in another province, but not so as to enable the police of one province to exercise powers and jurisdiction in another province without the consent of the Government of that Province ; extension of the powers and jurisdiction of members of a police force belonging to any unit to railway areas outside that unit."

In this entry "province" includes "a Chief Commissioner's Province" ;

(In List I) in entry 40, omit "and of any Order-in-Council made thereunder" ;

(In List I) in entry 41, for the words from "Federal Minister" to "Federal Assembly" substitute "Dominion Ministers and of the President and Deputy President of the Dominion Legislature", and omit "to such extent as is expressly authorised by Part II of this Act".

In List II—in entry 11, omit "and of any Order-in-Council made thereunder" ;

(In List II) in entries 23 and 29, for "Federal" substitute "Dominion".

In entry 34 of List III, for "Federal" substitute "Dominion".

Eighth Schedule. Omit.

Ninth Schedule. Omit.

* * * *

The Indian Independence Act 1947

An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to provide for other matters consequential on or concerned with the setting up of those Dominions.

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

* * * *

The New Dominions

1. As from August 15, 1947, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

**Quoted in* Gwyer, *Sir* Maurice and Appadorai, A. *Speeches and Documents* on the Indian Constitution, 1921-47, Vol. II, pp. 692-705.

Also in

Banarjee, A. C. *The Making of the Indian Constitution*, 1939-47.

2. The said Dominions are hereafter in this Act referred to as "the new Dominions" and the said 15th day of August is hereafter in this Act referred to as "the appointed day".

Territories of the New Dominions

1. Subject to the provisions of sub-sections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which under sub-section (2) of this section are to be the territories of Pakistan.

2. Subject to the provisions of sub-sections (3) and (4) of this section the territories of Pakistan shall be (a) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab as constituted under the two following sections ; (b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of British Baluchistan ; and (c) if, whether before or after the passing of this Act but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North-West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.

3. Nothing in this section shall prevent any area being at any time included in or excluded from either of the new Dominions, so, however, that—(a) no area, not forming part of the territories specified in sub-section (1) or, as the case may be, sub-section (2), of this section shall be included in either Dominion without the consent of that Dominion ; and (b) no area which forms part of the territories specified in the said sub-section (1) or, as the case may be, the said sub-section (2), or which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

4. Without prejudice to the generality of the provisions of sub-section (3) of this section, nothing in this section, shall be construed as preventing the accession of Indian States to either of the new Dominions.

Bengal and Assam

1. As from the appointed day—(a) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist ; and (b) there shall be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal.

(2) If, whether before or after the passing of this Act, but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the district of Sylhet are in favour of that district forming part of the new Province of East Bengal, then, as from that day, a part of the Province of Assam shall, in accordance with the provisions of sub-section (3) of this section, form part of the new Province of East Bengal.

(3) The boundaries of the new Provinces aforesaid and, in the event mentioned in sub-section (2) of this section, the boundaries after the appointed day of the Province of Assam, shall be such as may be determined, whether before or after the appointed day, by the award of a Boundary Commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(*a*) the Bengal districts specified in the First Schedule to this Act, together with, in the event mentioned in sub-section (2) of this section, the Assam district of Sylhet, shall be treated as the territories which are to be comprised in the new Province of East Bengal ; (*b*) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal ; and (*c*) in the event mentioned in sub-section (2) of this section the district of Sylhet shall be excluded from the Province of Assam.

(4) In this section, the expression "award" means, in relation to a Boundary Commission, the decision of the Chairman of that Commission contained in his report to the Governor-General at the conclusion of the Commission's proceedings.

The Punjab

(1) As from the appointed day—(*a*) the Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist ; and (*b*) there shall be constituted two new Provinces, to be known respectively as West Punjab and East Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, whether before or after the appointed day, by the award of a Boundary Commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—(*a*) the districts specified in the second Schedule to this Act shall be treated as the territories to be comprised in the new Province of West Punjab ; and (*b*) the remainder

of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of East Punjab.

(3) In this section, the expression "award" means, in relation to a Boundary Commission, the decision of the Chairman of that Commission contained in his report to the Governor-General at the conclusion of the Commission's proceedings.

The Governor-General of the new Dominions

For each of the new Dominions, there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purposes of the government of the Dominion :

Provided that, unless and until provision to the contrary is made by a law of the Legislature of either of the new dominions the same person may be Governor-General of both the new Dominions.

Legislation for the new Dominions

(1) The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty's name to any law of the Legislature of that Dominion and so much of any Act as relates to the disallowance of laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until the signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion unless it is extended thereto by a law of the Legislature of the Dominion.

(5) No order in Council made on or after the appointed day

under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

(6) The power referred to in sub-section (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

Consequences of the setting up of the new Dominions

(1) As from the appointed day—(*a*) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India ;

(*b*) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that day with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise ; and

(*c*) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at the date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that day by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise :

Provided that, notwithstanding anything in paragraph (*b*) or paragraph (*c*) of this sub-section, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs ; transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the Indian State or person having authority in the tribal areas on the one hand, or by the dominion or Province or other part thereof concerned on the other hand, or are suspended by subsequent agreements.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission form the Royal Style and Titles of the words "Indiae Imperator" and the words "Emperor of India" and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

Temporary provisions as to government of each of the new Dominions

(1) In the case of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provision as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.

(2) Except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion under sub-section (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that act, and of the Orders-in-Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding section, have effect accordingly :

Provided that—(*a*) the said provisions shall apply in relation to each of the new Dominions and nothing in this sub-section shall be construed as continuing on or after the appointed day any Central Government or Legislature common to both the new Dominions ; (*b*) nothing in this sub-section shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any Province or other part thereof ; (*c*) so much of the said provisions as requires the Governor-General or any Governor to act in his discretion or exercise his individual judgement as respects any matter shall cease to have effect as from the appointed day, (*d*) as from the appointed day no Provincial Bill shall be reserved under the Government of India Act, 1935, for the signification of His Majesty's pleasure, and no Provincial Act shall be disallowed by His Majesty thereunder : and (*e*) the powers of the Federal Legislature or Indian Legislature under that Act, as in force in relation to each Dominion, shall, in the first instance, be exercisable by the Constituent Assembly of the Dominion, in addition to the powers exercisable by that Assembly under sub-section (1) of this section.

(3) Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by sub-section (2) of this section and the orders therein referred to, operates to limit

the power of the Legislature of that Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assemby of the Dominion in accordance with the provisions of sub-section (1) of this section, have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of that Legislature.

Orders for bringing this Act into force

(1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient—(*a*) for bringing the provisions of this Act into effective operation; (*b*) for dividing between the new dominions, and between the new Provinces, to be constituted under this Act, the powers, rights, property, duties and liabilities of the Governor-General-in-Council or, as the case may be, of the relevant Provinces which, under this Act, are to cease to exist; (*c*) for making omissions from, additions to, and adaptations and modifications of, the Government of India Act, 1935, and the Orders-in-Council, rules and other instruments made thereunder, in their application to the separate new Dominions; (*d*) for removing difficulties arising in connection with the transition to the provision of this Act; (*e*) for authorising the carrying on of the business of the Governor-General-in-Council between the passing of this Act and the appointed day otherwise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935; (*f*) for enabling agreements to be entered into and other acts done, on behalf of either of the new Dominions before the appointed day; (*g*) for authorising the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of the said new Provinces, of services and activities previously carried on on behalf of British India as a whole or on behalf of the former Provinces which those new Provinces represent; (*h*) for regulating the monetary system and any matters pertaining to the Reserve Bank of India; and (*i*) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers or jurisdiction of any legislature, court or other authority in the new Dominions and creating new legislatures, courts or other authorities therein.

(2) The powers conferred by this section on the Governor-General shall, in relation to their respective Provinces, be exercisable also by the Governors of the Provinces which under this Act are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects

which the Governors are, under that Act, to exercise their individual judgment.

(3) This section shall be deemed to have had effect as from the third day of June, 1947, and any order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any order made under this section may be made so as to be retrospective to any date not earlier than the said third day of June :

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

(4) Any orders made under this section, whether before or after the appointed day, shall have effect (*a*) up to the appointed day, in British India ; (*b*) on and after the appointed day, in the new Dominion or Dominions concerned ; and (*c*) outside British India, or as the case may be outside the new Dominion or Dominions concerned, to such extent, whether before, on or after the appointed day, as a law of the Legislature of the Dominion or Dominions concerned would have on or after the appointed day, but shall, in the case of each of the Dominions, be subject to the same powers of repeal and amendment as laws of the Legislature of that Dominion.

(5) No order shall be made under this section, by the Governor of any Province, after the appointed day, or by the Governor-General, after the 31st day of March, 1948, or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of that Dominion.

(6) If it appears that a part of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if under this Act the Province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new Province.

Secretary of State's Services, etc.

(1) The provisions of this Act keeping in force provisions of the Government of India Act, 1935, shall not continue in force the provisions of that Act relating to appointments to the Civil Services of, and civil posts under, the Crown in India by the Secretary of State, or the provisions of that Act relating to the reservation of posts.

(2) Every person who—(*a*) having been appointed by the

Secretary of State or Secretary of State in Council to a Civil Service of the Crown in India continues on and after the appointed day to serve under the Government of either of the new Dominions or of any Province or part thereof ; or (*b*) having been appointed by His Majesty before the appointed day to be a judge of the Federal Court or of any court which is a High Court within the meaning of the Government of India Act, 1935, continues on and after the appointed day to serve as a judge in either of the new Dominions, shall be entitled to receive from the Governments of the Dominions and Provinces or parts which he is from time to time serving, or, as the case may be, which are served by the courts in which he is from time to time a judge, the same condition of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of his office, or rights as similar thereto as changed circumstaces may permit, as that person was entitled to immediately before the appointed day.

(3) Nothing in this Act shall be construed as enabling the rights and liabilities of any person with respect to the family pension funds vested in Commissioners under section 273 of the Government of India Act, 1935, to be governed otherwise than by Orders-in-Council made (whether before or after the passing of this Act or the appointed day) by His Majesty-in-Council and rules made (whether before or after the passing of this Act or the appointed day) by a Secretary of State or such other Minister of the Crown as may be designated in that behalf by Order-in-Council under the Ministers of the Crown (Transfer of Functions) Act, 1946.

Indian Armed Forces

(1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the new Dominions, and for the command and governance of those forces until the division is completed.

(2) As from the appointed day, while any member of His Majesty's forces, other than His Majesty's Indian forces, is attached to or serving with any of His Majesty's Indian forces—(*a*) he shall, subject to any provision to the contrary made by a law of the Legislature of the Dominion or Dominions concerned or by any order of the Governor-General under the preceding provisions of this Act, have in relation to the Indian forces in question, the powers of command and punishment appropriate to his rank and functions ; but (*b*) nothing in any enactment in force at the date of

the passing of this Act shall render him subject in any way to the law governing the Indian forces in question.

British Forces in India

(1) Nothing in this Act affects the jurisdiction or authority of His Majesty's Government in the United Kingdom, or of the Admiralty, the Army Council, or the Air Council or of any other United Kingdom authority, in relation to any of His Majesty's forces which may, on or after the appointed day, be in either of the new Dominions or elsewhere in the territories which, before the appointed day, were included in India, not being Indian forces.

(2) In its application in relation to His Majesty's military forces, other than Indian forces, the Army Act shall have effect on or after the appointed day—(*a*) as if His Majesty's Indian forces were not included in the expressions "The forces", "His Majesty's forces" and "The regular forces"; and (*b*) subject to the further modifications specified in Parts (I) and (II) of the Third Schedule to this Act.

(3) Subject to the provisions of sub-section (2) of this section, and to any provisions of any law of the Legislature of the Dominion concerned, all civil authorities in the new Dominions, and subject as aforesaid and subject also to the provisions of the last preceding section, all service authorities in the new Dominions, shall, in those Dominions and in the other territories which were included in India before the appointed day, perform in relation to His Majesty's military forces, not being Indian forces, the same functions as were, before the appointed day, performed by them, or by the authorities corresponding to them, whether by virtue of the Army Act or otherwise and the matters for which provision is to be made by orders of the Governor-General under the preceding provisions of this Act shall include the facilitating of the withdrawal from the new Dominions and other territories aforesaid of His Majesty's military forces, not being Indian forces.

(4) The provisions of sub-sections (2) and (3) of this section shall apply in relation to the air forces of His Majesty, not being Indian air forces, as they apply in relation to His Majesty's military forces, subject, however, to the necessary adaptations, and, in particular, as if—(*a*) for the reference to the Army Act there were substituted references to the Air Force Act; and (*b*) for the reference to Part (II) of the Third Schedule to this Act there ware substituted a reference to Part (III) of that Schedule.

Naval Forces

(1) In the application of the Naval Discipline Act to His Majesty's Naval Forces, other than Indian Naval Forces, references to

His Majesty's Navy and His Majesty's ships shall not as, from the appointed day, include references to His Majesty's Indian Navy or the ships thereof.

(2) In the application of the Naval Discipline Act by virtue of any law made in India before the appointed day to Indian Naval Forces, reference to His Majesty's Navy and His Majesty's ships shall, as from the appointed day, be deemed to be, and to be only, references to His Majesty's Indian Navy and the ships thereof.

(3) In Section 90 (B) of the Naval Discipline Act (which, in certain cases, subjects officers and men of the Royal Navy and Royal Marines to the law and customs of the ships and naval forces of other parts of His Majesty's dominions) the words "or of India" shall be repealed as from the appointed day, wherever those words occur.

Provisions as to the Secretary of State and the Auditor of Indian Home Accounts

(1) A Secretary of State, or such other Minister of the Crown as may be designated in that behalf by Order-in-Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, is hereby authorised to continue for the time being the performance, on behalf of whatever Government and Governments may be concerned, of functions as to the making of payments and other matters similar to the functions which, up to the appointed day, the Secretary of State was performing on behalf of Governments constituted or continued under the Government of India Act, 1935.

(2) The functions referred to in sub-section (1) of this section include functions as respects the management of, and the making of payments in respect of, Government debt, and any enactments relat- to such debt shall have effect accordingly :

Provided that nothing in this sub-section shall be construed as continuing in force so much of any enactment as empowers the Secretary of State to contract sterling loans on behalf of any such Government as aforesaid or as applying to the Government of either of the new Dominions the prohibition imposed on the Gover nor-General-in-Council by section 315 of the Government of India Act, 1935, as respects the contracting of sterling loans.

(3) As from the appointed day, there shall not be any such Advisers of the Secretary of State as are provided for by section 278 of the Government of India Act, 1935, and that section, and any provisions of that Act which require the Secretary of State to obtain the concurrence of his Advisers, are hereby repealed as from that day.

(4) The Auditor of Indian Home Accounts is hereby authorised to continue for the time being to exercise his functions as respects the accounts of the Secretary of State or any such other Minister of the Crown as is mentioned in sub-section (1) of this section, both in respect of activities before, and in respect of activities after, the appointed day, in the same manner as nearly as may be as he would have done if this Act had not passed.

Legal proceedings by and against the Secretary of State

(1) Notwithstanding any thing in this Act, and in particular, notwithstanding any of the provisions of the last preceding section, any provision of any enactment which, but for the passing of this Act, would authorise legal proceedings to be taken, in India or elsewhere, by or against the Secretary of State in respect of any right or liability of India or any part of India shall cease to have effect on the appointed day, and any legal proceedings pending by virtue of any such provision on the appointed day shall, by virtue of this Act, abate on the appointed day, so far as the Secretary of State is concerned.

(2) Subject to the provisions of this sub-section, any legal proceedings which, but for the passing of this Act, could have been brought by or against the Secretary of State in respect of any right or liability of India, or any part of India, shall instead be brought—(*a*) in the case of proceedings in the United Kingdom, by or against the High Commissioner ; (*b*) in the case of other proceedings, by or against such person as may be designated by order of the Governor-General under the preceding provisions of this Act or otherwise by the law of the new Dominion concerned, and any legal proceedings by or against the Secretary of State in respect of any such right or liability as aforesaid which are pending immediately before the appointed day shall be continued by or against the High Commissioner or, as the case may be, the person designated as aforesaid :

Provided that, at any time after the appointed day, the right conferred by this sub-section to bring or continue proceedings may, whether the proceedings are by, or are against, the High Commissioner or person designated as aforesaid, be withdrawn by a law of the Legislature of either of the new Dominions so far as that Dominion is concerned, and any such law may operate as respects proceedings pending at the date of the passing of the law.

(3) In this section, the expression "The High Commissioner" means, in relation to each of the new Dominions, any such officer as may for the time being be authorised to perform in the United

Kingdom, in relation to that Dominion, functions similar to those performed before the appointed day, in relation to the Governor-General-in-Council, by the High Commissioner referred to in section 302 of the Government of India Act, 1935 ; and any legal proceedings which, immediately before the appointed day, are the subject of an appeal to His Majesty-in-Council, or of a petition for special leave to His Majesty-in-Council, shall be treated for the purposes of this section as legal proceedings pending in the United Kingdom.

Aden

(1) Sub-sections 2 to 4 of section 288 of the Government of India Act, 1935 (which confer on His Majesty power to make by Order-in-Council provision for the government of Aden) shall cease to have effect and the British Settlements Acts, 1887 and 1945, (which authorise His Majesty to make laws and establish institutions for British settlements as defind in those Acts) shall apply in relation to Aden as if it were a British settlement as so defined.

(2) Notwithstanding the repeal of the said sub-sections 2 to 4, the Orders-in-Council in force thereunder at the date of the passing of this Act shall continue in force, but the said Orders-in-Council, any other Orders-in-Council made under the Government of India Act, 1935, in so far as they apply to Aden, and any enactments applied to Aden or amended in relation to Aden by any such Orders-in-Council as aforesaid, may be repealed, revoked or amended under the powers of the British Settlements Acts, 1887 and 1945.

(3) Unless and until provision to the contrary is made as respects Aden under the powers of the British Settlements Acts, 1887 and 1945, or, as respects the new Dominion in question, by a law of the Legislature of that Dominion, the provisions of the said Orders-in-Council and enactments relating to appeals from any courts in Aden to any courts which will, after the appointed day, be in either of the new Dominions, shall continue in force in their application both to Aden and to the Dominion in question, and the last-mentioned courts shall exercise their jurisdiction accordingly.

Divorce Jurisdiction

(1) No court in either of the new Dominions shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or by any law of the Legislature of the new Dominion concerned, all courts in the new Dom-i

nions shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(2) Any rules made on or after the appointed day under sub-section 4 of section 1 of the Indian Colonial Divorce Jurisdiction Act, 1926, for a court in either of the new Dominions shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of the Dominion concerned, and so much of the said sub-section and of any rules in force thereunder immediately before the appointed day as require the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

(3) The reference in sub-section (1) of this section to proceedings for a decree for the dissolution of a marriage includes reference to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section 8 of the Matrimonial Causes Act, 1937.

(4) Nothing in this section affects any court outside the Dominions, and the power conferred by section 2 of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of His Majesty's dominions as they apply to India shall be deemed to be power to apply those provisions as they would have applied to India if this Act had not passed.

Provisions as to existing laws, etc.

(1) In so for as any Act of Parliament, Order-in-Council, order, rule, regulation or other instrument passed or made before the appointed day operates otherwise than as a part of the law of British India or the new Dominions, references therein to India or British India, however worded and whether by name or not, shall, in so far as the context permits and except so far as Parliament may hereafter otherwise provide, be construed as, or as including, references to the new Dominions, taken together, or taken separately according as the circumstances and subject matter may require :

Provided that nothing in this sub-section shall be construed as continuing in operation any provision in so far as the continuance thereof as adapted by this sub-section is inconsistent with any of the provisions of this Act other than this section.

(2) Subject to the provisions of sub-section (1) of this section and to any other express provision of this Act, the Orders-in-Council made under sub-section (5) of section 311 of the Government of India Act, 1935, for adapting and modifying Acts of Parliament shall, except so far as Parliament may hereafter otherwise provide, continue

in force in relation to all Acts in so far as they operate otherwise than as part of the law of British India or the new Dominions.

(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day shall, so far applicable and with the necessary adaptations, continue as the law of each of the new Dominions and the several parts thereof until other provision is made by laws of the Legislature of the Dominion in question or by any other Legislature or other authority having power in that behalf.

(4) It is hereby declared that the Instruments of Instructions issued before the passing of this Act by His Majesty to the Governor-General and the Governors of Provinces lapse as from the appointed day, and nothing in this Act shall be construed and continuing in force any provision of the Government of India Act, 1935, relating to such Instruments of Instructions.

(5) As from the appointed day, so much of any enactment as requires the approval of His Majesty-in-Council to any rules of court shall not apply to any court in either of the new Dominions.

Interpretation, etc.

(1) Reference in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed—(*a*) where the order or other act concerns one only of the new Dominions, as references to the Governor-General of that Dominion; (*b*) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those dominions, as references to that person; and (*c*) in any other case, as references to the Governors-General of the new Dominions, acting jointly.

(2) References in this Act to the Governor-General shall, in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General-in-Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references—(*a*) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the 9th day of December, 1946, modified—(*i*) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchisian; and (*ii*) should it appear that the North-West Frontier

Province will form part of Pakistan, by the exculsion of the members representing that Province ; and (*iii*) by the inclusion of members representing West Bengal and East Punjab ; and (*iv*) should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of members theretofore representing the Province of Assam and the inclusion of members chosen to represent the remainder of that province ; (*b*) in relation to Pakistan, to the Assembly set up or about to be set up at the date of the passing of this Act under the authority of the Governor-General as the Constituent Assembly for Pakistan :

Provided that nothing in this sub-section shall be construed as affecting the extent to which representatives of the Indian States take part in either of the said assemblies, or as preventing the filling of casual vacancies in the said assemblies, or as preventing the participation in either of the said assemblies, in accordance with such arragements as may be made in that behalf, of representatives of the tribal areas on the borders of the Dominion for which that Assembly sits, and the powers of the said Assemblies shall extend, and be deemed always to have extended, to the making of provisions for the matters specified in this proviso.

(4) In this Act, except so far as the context otherwise requires—references to the Government of India Act, 1935, include references to any enactments amending or supplementing that Act, and, in particular, references to the India (Central Government and Legislature) Act, 1946 ; "India", where the reference is to a state of affairs existing before the appointed day or which would have existed but for the passing of this Act, has the meaning assigned to it by section 311 of the Government of India Act, 1935 ; "Indian forces" includes all His Majesty's Indian forces existing before the appointed day and also any forces of either of the new Dominions ; "pension" means in relation to any person, a pension, whether contributory or not, of any kind whatsoever payable to or in respect of that person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund ; "province" means a Governor's province ; "remuneration" includes leave pay, allowances and the cost of any privileges or facilities provided in kind.

(5) Any power conferred by this Act to make any order includes power to revoke or vary any order previously made in the exercise of that power.

Short Title

This Act may be cited as the Indian Independence Act, 1947.

First Schedule (Section 3)

Bengal districts provisionally included in the new Province of East Bengal. In the Chittagong Division, the districts of Chittagong, Noakhali and Tippera. In the Dacca Division, the districts of Bakarganj, Dacca, Faridpur and Mymensingh. In the Presidency Division, the districts of Jessore, Murshidabad and Nadia. In the Rajshahi division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

Second Schedule (Section 4)

Districts provisionally included in the new Province of West Punjab. In the Lahore Division, the districts of Gujranwala, Gurdaspur, Lahore, Sheikhupura and Sialkot. In the Rawalpindi Division, the districts of Attock, Gujrat, Jhelum, Mianwali, Rawalpindi and Shahpur. In the Multan Division, the districts of Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh.

Third Schedule (Section 12)

Modifications of Army Act and Air Force Act in relation to British Forces.

Part I—Modifications of Army Act applicable also to Air Force Act.

(1) The proviso to section 41 (which limits the jurisdiction of courts martial) shall not apply to offences committed in either of the new Dominions or in any of the other territories which were included in India before the appointed day.

(2) In section 43 (which relates to complaints), the words "with the approval of the Governor-General of India in Council" shall be omitted.

(3) In sub-sections 8 and 9 of section 54 (which, amongst other things, require certain sentences to be confirmed by the Governor-General-in-Council) the words "India or", the words "by the Governor-General, or, as the case may be" and the words "in India, by the Governor-General, or, if he has been tried" shall be omitted.

(4) In sub-section 3 of section 73 (which provides for the nomination of officers with power to dispense with courts martial for desertion and fraudulent enlistment) the words "with the approval of the Governor-General" shall be omitted.

(5) The powers conferred by sub-section 5 of section 130 (which provides for the removal of insane persons) shall not be

exercised except with the consent of the officer commanding the forces in the new Dominions.

(6) In sub-section 2 of section 132 (which relates to rules regulating service prisons and detention barracks) the words "and in India for the Governor-General" and the words "the Governor-General" shall be omitted except as respects rules made before the appointed day.

(7) In the cases specified in sub-section 1 of section 134, inquest shall be held in all cases in accordance with the provisions of sub-section 3 of that section.

(8) In section 136 (which relates to deductions from pay), in sub-section 1 the words "India or" and the words "being in the case of India a law of the Indian Legislature", and the whole of sub-section 2 shall be omitted.

(9) In paragraph 4 of section 137 (which relates to penal stoppages from the ordinary pay of officers), the words "or in the case of officers serving in India the Governor-General", the words "India or" and the words "for India or, as the case may be" shall be omitted.

(10) In paragraph 12 of section 175 and paragraph 11 of section 176 (which apply the Act to certain members of His Majesty's Indian forces and to certain other persons) the word "India" shall be omitted wherever it occurs.

(11) In sub-section 1 of section 180 (which provides for the punishment of misconduct by civilians in relation to courts martial) the words "India or" shall be omitted wherever they occur.

(12) In the provisions of section 183 relating to the reduction in rank of non-commissioned officers, the words "with the approval of the Governor-General" shall be omitted in both places where they occur.

Part II.—Modifications of Army Act.

Section 184 (*b*) (which regulates relations with the Indian air force) shall be omitted.

Part III.—Modifications of Air Force Act,

(1) In section 179 (*d*) (which relates to the attachment of officers and airmen to Indian and Burma air forces), the words "by the Air Council and the Governor-General of India, or, as the case may be" and the words "India or", wherever those words occur, shall be omitted.

(2) In section 184 (*b*) which regulates relations with Indian and Burma air forces) the words "India or" and the words "by the

Air Council and the Governor-General of India, or, as the case may be" shall be omitted.

(3) Sub-Paragraph (*e*) of paragraph 4 of section 190 (which provides that officers of His Majesty's Indian Air Force are to be officers within the meaning of the Act) shall be omitted.

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Extracts From

THE CONSTITUTION OF INDIA, 1950

Note : The Constitution of India as adopted on 26th January, 1950 is considered the culmination of the Constitutional struggle launched by the Indians during the last two hundred years or so. In the following are given some important extracts from the Constitution. For detailed study readers are referred to the titles mentioned in the foot note below.*

* * * *

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure all its citizens : JUSTICE, social, economic and political ; LIBERTY of thought, expression, belief, faith and worship ; EQUALITY of status and of opportunity ; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity of the Nation :

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

* * * *

Right To Equality

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

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*1. Basu, Durga Das. Commentary on the Constitution of India. 3rd ed. Calcutta, S.C. Sarkar & Sons Ltd., 1955. 2 Vols.
2. Girdhari Lal. Critical Study of the Constitution of India. Allahabad, Indian Press, 1954. x, 350 p.
3. India—*Constituent Assembly*. Debates : Official report. Delhi, Manager Publications, 1947-1949. 10 Vols.
4. India—*Constituent Assembly*. Draft Constitution of India. New Delhi, Manager Publications, 1948. xxvii, 214 p.
5. India—*Government*. Constitution of India. Delhi. Manager Publications, 1949. xviii, 250 p.
6. India—*Ministry of Information and Broadcasting*. India's constitution. 4th ed. Delhi. The Ministry, 1957. 98 p. Bibliography, p. 97-98.
7. India—*Ministry of Information and Broadcasting*. : Our Constitution. 3rd rev. & enlg. ed. Delhi, Manager Publications, 1952, 184 p.
8. Sen, D.K. : Comparative study of the Indian Constitution, Bombay, Orient Longmans, 1960.

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

(*a*) access to shops, public restaurants, hotels and places of public entertainment ; or

(*b*) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this Article or in Clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

* * * *

Equality of opportunity in matters of public employment

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under any State specified in the First Schedule or any local or other authority within its territory, any requirement as to residence within that State prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(5) Nothing in this article shall affect the operation of any law

which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

* * * *

Abolition of Untouchability

"Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

* * * *

Right to Freedom

Protection of certain rights regarding freedom of speech, etc.

(1) All citizens shall have the right—

(*a*) to freedom of speech and expression ;

(*b*) to assemble peaceably and without arms ;

(*c*) to form associations or unions ;

(*d*) to move freely throughout the territorry of India ;

(*e*) to reside and settle in any part of the territory of India ;

(*f*) to acquire, hold and dispose of property ; and

(*g*) to practise any profession, or to carry on any occupation, trade or business.

[(2) Nothing in sub-clause (*a*) of clause (1) shall affect the operation of any existing law, or prevent, the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.]

(3) Nothing in sub-clause (*b*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent, the State from making any law imposing, in the interests of public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (*c*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing in the interest of public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clause (*d*), (*e*) and (*f*) of the said clause shall

affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (*g*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interest of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, (Nothing in the said sub-clause, shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(*i*) The professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(*ii*) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.)

* * * *

Protection in respect of conviction for offences

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

* * * *

Protection of life and personal liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

* * * *

Protection against arrest and detention in certain cases

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply :—

(*a*) to any person who for the time being is an enemy alien ; or

(*b*) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless :—

(*a*) an Advisory Board consisting of persons who are or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention :

Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (*b*) of clause (7) ; or

(*b*) such person is detained in accordance with the provision of any law made by Parliament under sub-clause (*a*) and (*b*) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe :—

(*a*) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (*a*) of clause (4) ;

(*b*) the maximum period for which any person may in class or classes of cases be detained under any law providing for preventive detention ; and

(*c*) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (*a*) of clause (4).

* * * *

Prohibition of Traffic in Human Beings and Forced Labour

(1) Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provisioe shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

* * * *

Freedom of Conscience and Free Profession, Practice and Propagation of Religion

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making law :—

(*a*) regulating to restricting any economic, financial, political or other secular activity which may be associated with religious practice ;

(*b*) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation. I.—The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.

Explanation. II.—In sub-clause (*b*) of clause (2) the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

* * * *

Right to Property

Compulsory Acquisition of Property

(1) No person shall be deprived of his property save by authority of law.

(2) No property, movable or immovable, including any interest in, or in any company owing, any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law authorising the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, the compensation is to be determined and given.

(3) No such law as is referred to in clause (2) made by the Legislature of a State shall have effect unless such law, having been reserved for the consideration of the President, has received his assent.

(4) If any Bill pending at the commencement of this Constitution in the Legislature of a State has, after it has been passed by such Legislature, been reserved for the consideration of the President and has received his assent, then, notwithstanding anything in this Constitution, the law so assented to shall not be called in question in any Court on the ground that it contravenes the provisions of clause (2).

(5) Nothing in clause (2) shall affect :—

(*a*) the provisions of any existing law other than a law to which the provisions of clause (6) apply, or

(*b*) the provisions of any law which the State may hereafter make :—

(*i*) for the purpose of imposing or levying any tax or penalty, or

(*ii*) for the promotion of public health or the prevention of danger to life or property, or

(*iii*) in pursuance of any agreement entered into between the Government of the Dominion of India or the Government of India and the Government of any other country or otherwise, with respect to property declared by law to be evacuee property.

(6) Any law of the State enacted not more than eighteen months before the commencement of this Constitution may within three months from such commencement be submitted to the President for his certification ; and thereupon; if the President by public noti-

fication so certifies, it shall not be called in question in any Court on the ground that it contravenes the provisions of clause (2) of this article or has contravened the provisions of sub-section (2) of section 299 of the Government of India Act, 1935.

* * * *

State to secure a Social Order for the Promotion of Welfare of the People

The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

* * * *

Certain Principles of Policy to be followed by the State

The State shall, in particular, direct its policy towards securing :—

(*a*) that the citizens, men and women, equally, have the right to an adequate means of livelihood ;

(*b*) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good ;

(*c*) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment ;

(*d*) that there is equal pay for equal work for both men and women ;

(*e*) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength ;

(*f*) that childhood and youth are protected against exploitation and against moral and material abandonment.

* * * *

Organisation of Village Panchayats

The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

* * * *

Right to Work, to Education and to Public Assistance in certain cases

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

* * * *

Uniform Civil Code for the Citizens

The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

* * * *

Separation of Judiciary from Executive

The State shall take steps to separate the judiciary from the executive in the public services of the State.

* * * *

Promotion of International Peace and Security

The State shall endeavour to :—

(*a*) promote international peace and scurity ;

(*b*) maintain just and honourable relations between nationals ;

(*c*) foster respect for international law and treaty obligations in the dealings of organised peoples with one another ; and

(*d*) encourage settlement of international disputes by arbitration.

* * * *

Election of President

The President shall be elected by the members of an electoral college consisting of :—

(*a*) the elected members of both Houses of Parliament ; and

(*b*) the elected members of the Legislative Assemblies of the States.

* * * *

Power of President to grant Pardons, etc., and to suspend, remit or commute sentences in certain cases

(1) The President shall have the power to grant pardons, reprieves, respites or remission of punishment or to suspend, remit or commute the sentence of any person convicted of any offence :—

(*a*) in all cases where the punishment or sentence is by a Court Martial ;

(*b*) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends ;

(*c*) in all cases where the sentence is a sentence of death.

(2) Nothing in sub-clause (*a*) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a Court Martial.

(3) Nothing in sub-clause (*c*) of clause (1) shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor or Rajpramukh of a State under any law for the time being in force.

* * * *

Duties of Prime Minister as respects the furnishing of information to the President, etc.

It shall be the duty of the Prime Minister—

(*a*) to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation ;

(*b*) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for ; and

(*c*) If the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

* * * *

Constitution of Parliament

There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

* * * *

Qualification for Membership of Parliament

A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

(*a*) is a citizen of India ;

(*b*) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age ; and

(*c*) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

* * * *

Decision on Questions as to Disqualifications of Members

(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of Article 102, the question shall be referred for the decision of the President and his decision shall be final.

* * * *

Assent to Bills

When a Bill has been passed by the Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom :

Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom.

* * * *

Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require.

(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(*a*) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both

Houses, upon the passing of the second of those resolutions ; and

(*b*) may be withdrawn at any time by the President.

Explanation.—Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

(3) If and so far as an Ordinance under this article makes any provision which Parliament would not under this constitution be competent to enact, it shall be void.

* * * *

Special Leave to appeal by the Supreme Court

(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree determination, sentence or order in any cause or matter passed or made by any Court or tribunal in the territory in India.

(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any Court or tribunal constituted by or under any law relating to the Armed Forces.

* * * *

Review of Judgements or Orders by the Supreme Court

Subject to the provisions of any law made by Parliament or any rules made under article 145, the Supreme Court shall have power to review any judgment pronounced or order made by it.

(1) If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consideration and the Court may, after such hearing as it thinks fit, report to the President its opinion thereon.

(2) The President may, notwithstanding anything in clause (*i*) of the proviso to article 131, refer a dispute of the kind mentioned in the said clause to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion thereon.

* * * *

Power of High Courts to issue certain Writs

(1) Notwithstanding anything in article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred on a High Court by clause (1A) shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32.

* * * *

Extent of Laws made by Parliament and by the Legislatures of States

(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territorry of India, and the Legislature of a State may make laws for the whole or any part of the State.

(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

* * * *

Residuary Powers of Legislation

(1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.

* * * *

Inconsistency between laws made by Parliament and laws made by the Legislatures of States

(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliamant, whether passed before or after the law made by the Legislature of such State, or as the case may be, the

existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State specified in Part A or Part B of the First Schedule with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State :

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding, to, amending, varying or repealing the law so made by the Legislature of the State.

* * * *

Tenure of Office of persons serving the Union or a State

(1) Except as expressly provided by this Constitution, every person who is a member of a defence service or of a civil service of the Union or of an all-India service or holds any post connected with defence or any civil post under the Union holds office during the pleasure of the President, and every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor or, as the case may be, the Rajpramukh of the State.

(2) Notwithstanding that a person holding a civil post under the Union or a State holds office during the pleasure of the President, or, as the case may be, of the Governor or Rajpramukh of the State, any contract under which a person not being a member of a defence service or of an all-India service or of a civil service of the Union or a State, is appointed under this Constitution to hold such a post may, if the President or the Governor or the Rajpramukh, as the case may be, deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation, if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post.

* * * *

Dismissal, Removal or Reduction in Rank of Persons employed in Civil Capacities under the Union or a State

(1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a

civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

Provided that this clause shall not apply—

(*a*) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge ;

(*b*) where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause ; or

(*c*) where the President or Governor or Rajpramukh, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such opportunity.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.

* * * *

Election Commission

This article provides for the creation of an independent body named the Election Commission, which shall have the following exclusive powers :

(*a*) Superintendence, direction and control of the preparation of the electoral rolls for all elections to Parliament and to the Legislature of every State ; and of elections to the offices of President and Vice-President.

(*b*) Conduct of all the above elections ;

(*c*) Appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with election to Parliament and to the Legislature.

(*d*) Advising the President on the question of disqualifications of any member of Parliament [Art. 103 (2)] or a Governor or a Rajpramukh on the question of disqualification of a member of a State Legislature [Art. 192(2)].

The entire electoral machinery of the Union as well as of the States is thus placed at the hands of a centralised body, the Election Commission which alone would be entitled to issue directives to returning officers, polling officers and others engaged in the preparation and revision of electoral rolls so that no injustice may be done to any citizen of India by any local Government, The Commission will, of course, be assisted by Regional Commissioners, but they will be working not under the control of the State Governments but under the control of the Election Commission and they will not be liable to be removed except on the recommendation of the Chief Election Commissioner.

The Election Commission shall be independent of executive control inasmuch as members of the Election Commission (and Regional Commissioners) shall not be removed by the President except on the recommendation of the Chief Election Commissioner, and the Chief Election Commissioner shall not be removed except in the manner provided in Art. 124(4), Vol. 1, p. 738, relating to the removal of a judge of the Supreme Court. Nor shall the conditions of service of the Election Commissioner be varied to his disadvantage after his appointment [Cl. (5) Proviso 1].

The object underlying these provisions is to ensure an election free from the control of the party in power for the time being, without which representative democracy becomes meaningless.

* * * *

Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of Adult Suffrage

The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

* * * *

Reservation of Seats for Scheduled Castes and Scheduled Tribes in the House of the People

(1) Seats shall be reserved in the House of the People for—

(*a*) the Scheduled Castes.

(*b*) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam ; and

(*c*) the Scheduled tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or parts of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

* * * *

Proclamation of Emergency

(1) If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect.

(2) A Proclamation issued under clause (1)—

(*a*) may be revoked by a subsequent Proclamation ;

(*b*) shall be laid before each House of Parliament ;

(*c*) shall cease to operate at the expiration of two months unless, before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

Provided that if any such Proclamation is issued at a time when the House of the People has been dissolved or the dissolution of the House of the People takes place during the period of two months referred to in sub-clause (*c*), and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.

(3) A Proclamation of Emergency declaring that the security of India or of any part of the territory thereof is threatened by war or by external aggression or by internal disturbance may be made before actual occurrence of war or of any such aggression or disturbance if the President is satisfied that there is imminent danger thereof.

* * * *

Provisions in case of Failure of Constitutional Machinery in States

(1) If the President, on receipt of a report from the Governor or Rajpramukh of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may be Proclamation—

(*a*) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or Rajpramukh, as the case may be, or any body or authority in the State other than the Legislature of the State ;

(*b*) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament.

(*c*) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the State :

Provided that nothing in this clause shall authorise the President to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend in whole or in part the operation of any provision of this Constitution relating to High Courts.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) Every Proclamation under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament :

Provided that if any such Proclamation (not being a Proclamation revoking a previous Proclamation) is issued at a time when the House of the People is dissolved or the dissolution of the House of the People takes place during the period of two months referred to in this clause, and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration

of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.

(4) A Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of the passing of the second of the resolutions approving the Proclamation under clause (3) :

Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of six months from the date on which under this clause it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years :

Provided further that if the dissolution of the House of the People takes place during any such period of six months and a resolution approving the continuance in force of such Proclamation has been passed by the Council of States, but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution approving the continuance in force of the Proclamation has been also passed by the House of the People.

* * * *

Temporary provisions with respect to the State of Jammu and Kashmir

(1) Notwithstanding in this Constitution :—

(*a*) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir ;

(*b*) the power of Parliament to make laws for the said State shall be limited to—

(*i*) those matters in the Union List and the Concurreut List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respeet to which the Dominion Legislature may make laws for that State ; and

(*ii*) such other matters in the said Lists as, with concurrence of the Government of the State, the President may by order specify.

Explanation—For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948 ;

(*c*) the provisions of article I and of this article shall apply in relation to that State ;

(*d*) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify :

Provided that no such order which relates to the matter specified in the Instrument of Accession of the State referred to in paragraph (*i*) of sub-clause (*b*) shall be issued except in consultation with the Government of the State :

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (*ii*) of sub-clause (*b*) of clause (1) or in the second proviso to sub-clause (*d*) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify :

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

* * * *

CONSTITUTION

See

CONSTITUTIONAL REFORMS

CONSTITUENT ASSEMBLY

See

CONSTITUTIONAL REFORMS

CHAPTER VIII

CONSTRUCTIVE PROGRAMME

Note : Mahatma Gandhi defined "Constructive Programme" as the truthful and non-violent way of winning *Poorna Swaraj* or Complete Independence. This programme originally he placed before the Nation in an article published in *The Harijan* of 18th August, 1940.* Later it was published in the form of a pamphlet entitled : *Constructive Programme : Its Meaning and Place.*** Dr. Rajendra Prasad, now the President of India, wrote a learned commentary on the Programme which was published in 1942, under the title "*Constructive Programme : Some Suggestions.****" Below is given a brief summary of the Programme :—

(1) *Communal Unity*

Mahatma Gandhi believed that without Communal Unity among Hindus, Muslims, Christians, Zorostrians, Jews, etc. achievement of Complete Independence was impossible. He urged all the Indians to remove these artificial barriers if they wanted to be an Independent Nation.

(2) *Removal of Untouchability*

According to Mahatma Gandhi untouchability is a curse upon Hinduism. He very strongly advocated that we should remove it, if we desire to breath the fresh air of freedom.

(3) *Prohibition*

Mahatma Gandhi believed that if we are to reach our goal through non-violent efforts, we may not leave to the future-government, the fate of lakhs of men and women who are labouring under the curse of drink and drugs.

(4) *Khadi*

Speaking on this controversial topic Gandhi emphasized that every village is to produce and to use all its necessaries and in addition to produce a certain percentage as its constitution to the requirements of the cities. Regarding the heavy industries he was of the opinion that they will be centralized and nationalized. But they will occupy the least part of the vast national activity in the villages. "In this scheme" Gandhi said, "of nation-wide spinning as a sacrifice, I do not

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*Gandhi wrote this article on 13-11-39.

**Gandhi, M. K. *Constructive Programme : Its Meaning and Place*. Ahmedabad, Navajivan Publishing House, 1941, 31p.

***Prasad, Rajendra. *Constructive Programme : Some Suggestions*, Ahmedabad, Navajivan Publishing House, 1942, 32.

expect the average men or the average women to give more than one hour daily to this work."

(5) *Other Village Industries*

By 'other village industries' Gandhi meant such as hand-grinding, hand-pounding, soap-making, match-making, tanning, oil-pressing etc. He believed that these industries come in as a handmaid to *Khadi* and the village economy cannot be complete without these essential village industries.

(6) *Village Sanitation*

Most of the people in India live in villages. Gandhi felt if better citizens are to be brought up, they must be healthy. He suggested ways and means to keep villages clean and neat.

(7) *New or Basic Education*

Gandhi felt that the system of education introduced by the British was not suitable for Indian conditions. He worked out a scheme of Basic Education which according to him linked the children, whether of the cities or of the villages, to all that is best and lasting in India. It developed with the body and the mind, and kept the child rooted to the soil with a glorious vision of the future in the realization of which he or she began to take his or her career in school.

(8) *Adult Education*

Through adult education, Gandhi wanted to open the minds of the adult pupils to the greatness and the vastness of their country.

(9) *Women*

Gandhi included service of women in the Constructive Programme because he wanted that women become equal partners in the fight for Swaraj.

(10) *Education of Health and Hygiene*

Gandhi believed that a healthy mind in a healthy body is self-evident truth. He thought that a *satyagrahi* should have a healthy mind and he should know ways and means to keep it healthy.

(11) *Provincial Languages*

The masses can make no solid contribution to the constitution of Swaraj unless they know how to talk and write in their own language. He felt that being under the spell of English we were impeding the progress of India towards her goal. He advocated that every Indian should learn *Hindustani.*

(12) *National Language*

To view India as one country, it is very essential to have one National Language, which the largest number of people already know and understand and which the others can easily pick up. Gandhi declared that "This language is indisputably Hindi".

(13) *Economic Equality*

This last is the master key to non-violent Independence. Gandhi felt that "working for economic equality means abolishing the eternal conflict between capital and labour. It means the levelling down of the few rich in whose hands is concentrated the bulk of the nation's wealth on the one hand, and the levelling up of the semi-starved naked millions on the other. A non-violent system of government is clearly an impossibility so long as the wide gulf between the rich and the hungry millions persists. The contrast between the palaces of New Delhi and the miserable hovels of the poor labouring class nearby cannot last one day in free India in which the poor will enjoy the same power as the richest in the land. A violent and bloody revolution is a certainty one day unless there is a voluntary abdication of riches and the power that riches give and sharing them for the common good.

I adhere to my doctrine of trusteeship in spite of the ridicule that has been poured upon it. It is true that it is difficult to reach. So is non-violenoe. But we made up our minds in 1920 to negotiate that steep ascent. We have found it worth the effort. It involves a daily growing appreciation of the working of non-violence."

(14) *Kisans*

The programme is not exhaustive. Swaraj is a mighty structure. Eighty crores of hands have to work at building it. Of these kisans *i.e.*, the peasantry are the largest part. In fact being the bulk of them (Probably over 80%) the kisans should be the Congress. But they are not. When they become conscious of their non-violent strength, no power on earth can resist them. They must not be used for politics. I consider it to be contrary to the non-violent method."

(15) *Labour*

Ahmedabad Labour Union is a model for all India to copy. Its basis is non-violence, pure and simple. It has never had a set-back in its career. It has gone on from strength to strength without fuss and without show. It has its hospital, its schools for the children of the mill hands, its classes for adults its, own printing press and khadi depot, and its own residential quarters. Almost all the hands are voters and decide the fate of elections."

(16) *Adivasis*

The term *adivasi*, like raniparaj, is a coined word. *Raniparaj* stands for *Kaliparaj* (meaning black people, though their skin is no more black than that of any other). It was coined, I think by Shri Jugatram. The term adivasi (for Bhils, Gonds; or other variously described Hill tribes or aboriginals) means literally original inhabitants and was coined, I believe, by Thakkar Bapa.

Service of Adivasis is also a part of constructive programme. Though they are the sixteenth number of this programme, they are not the least in point of importance. Our country is so vast and the races so varied that the best of us cannot know all there is to know of men and their condition. As one discovers this for oneself, one realizes how difficult it is to make good our claim to be one nation, unless every unit has a living consciousness of being one with every other.

(17) *Lepers*

Leper is a word of bad odour. India is perhaps a home of leapers next only to Central Africa. Yet they are as much a part of society as the tallest among us. But the tall absorb our attention though they are least in need of it. The lot of the lepers who are much in need of attention is neglected. I am tempted to call it heartless, which it certainly is, in terms of non-violence. It is largely the missionary who, be it said to his credit, bestows care on him.

(18) *Students*

Mahatma Gandhi's programme for students was as under :

1. Students must not take part in party politics. They are students, searchers, not politicians.

2. They may not resort to political strikes. They must have their heroes, but their devotion to them is to be shown by copying the best in their heores, not by going on strikes, if the heroes are imprisoned or die or are even sent to the gallows. If their grief is unbearable and if all the students feel equally, schools or colleges may be closed on such occasions, with the consent of their principals. If the principals will not listen, it is open to the students to leave their institution in a becoming manner till the managers repent and recall them. On no account may they use coercion against dissentients or against the authorities. They must have the confidence that, if they are united and dignified in their conduct, they are sure to win.

3. They must all do sacrificial spinning in a scientific manner. Their tools shall be always neat, clean, and in good order and

conditions. If possible, they will learn to make them themselves. Their yarn will naturally be of the highest quality, they will study the literature about spinning with all its economic, social, moral and political implications.

4. They will be Khadi users all through and use village products to the exclusion of all analogous things, foreign or machine made.

5. They may not impose *Vande Mataram* or the National Flag on others. They may wear National Flag buttons on their own persons but not force others to do the same.

6. They can enforce the message of the tricolour flag in their own persons and harbour neither communalism nor untouchability in their hearts. They will cultivate real friendship with students of other faiths and with Harijans as if they were their own kith and kin.

7. They will make it a point to give first aid to their injured neighbours and do scavenging and cleaning in the neighbouring villages and instruct village children and adults.

8. They will learn the national language, Hindustani in its present double dress, two forms of speech and two scripts, so that they may feel at home whether Hindi or Urdu is spoken and Nagari or Urdu script is written.

9. They will translate into their own mother tongue every thing new they may learn, and transmit it in their weekly round to the surrounding villages.

10. They will do nothing in secret, they will be above board in all their dealings, they will lead a pure life of self-restraint, shed all fear and be always ready to quell riots by non-violent conduct at the risk of their lives. And when the final hear of the struggle comes they will leave their institutions and if need be, sacrifice themselves for the freedom of their country.

11. They will be scrupulously correct and chivalrous in their behaviour towards their girl fellow students.

For working out the programme I have sketched for them, the students must find time. I know that they waste a great deal of time in idleness. By strict economy, they can save many hours. But I do not want to put an undue strain upon any student. I would, therefore, advise patriotic students to lose one year, not at a stretch but spread it over their whole study. They will find that one year so given will not be waste of time. The effort will add to their equipment, mental, moral and physical, and they will have made even during their studies a substantial contribution to the freedom movement.

Place of Civil Disobedience

I have said in these pages that Civil Disobedience is not absolutely necessary to win the freedom through purely non-violent effort, if the co-operation of the whole nation is secured in the constructive programme, but such good luck rarely favours nations or individuals. Therefore, it is necessary to know the place of Civil Disobedience in a nation-wide non-violent effort.

It has three definite functions :—

1. It can be effectively offered for the redress of local wrong.

2. It can be offered without regard to effect, though aimed at a particular wrong or evil, by way of self-immolation in order to rouse local consciousness or conscience. Such was the case in Champaran when I offered Civil Disobedience without any regard to the effect and well knowing that even the people might remain apathetic. That it proved otherwise may be taken according to taste, as God's grace or a stroke of good luck.

3. In the place of full-response to constructive effort it can be offered as it was in 1941. Though it was a contribution to and part of the battle for freedom, it was purposely centered round a particular issue, *i.e.*, free speech. Civil Disobedience can never be directed for a general cause such as for independence. The issue must be definite and capable of being clearly understood and within the power of the opponent to yield. This method properly applied must lead to the final goal.

Conclusion

This is not a thesis written on behalf of the Congress or at the instance of the Central Office. It is the outcome of conversations I had with some co-workers in Sevagram. They had felt the want of something from my pen showing the connection between the Constructive Programme and Civil Disobedience and how the former might be worked. I have endeavoured to supply the want in this pamphlet. It does not purport to be exhaustive. But it is sufficiently indicative of the way the programme should be worked.

Let not the reader make the mistake of laughing at any of the items as being part of movement for Independence. Many people do many things, big and small, without connecting them with non-violence or Independence. They have then their limited value as expected. The same man appearing as a civilian may be of no consequence, but holding the lives of millions at his mercy. Similarly, the *Charkha* in the hands of a poor widow brings a paltry pice to her, in the hands of a Jawaharlal it is an instrument of India's freedom It is the office which gives the *Charkha* its

dignity. It is the office assigned to the constructive programme which gives it an irresistible prestige and power.

Such at least is my view. It may be that of a mad man. If it makes no appeal to the Congressmen, I must be rejected. For my handling of civil disobedience without the Constructive Programme will be like a paralysed hand attempting to lift a spoon.

(Poona, 13-11-39.)

* * * *

"The Working Committee considered the steps taken by the P. C. C.'s to carry out the programme of self-protection and self-sufficiency laid down by the A.-I. C. C. in January last and the progress made so far. The Committee were of the opinion that while work was being organised in some provinces there was not sufficient stir in others. It decided that (*i*) the A.-I. C. C. office should send out inspectors to the provinces there oftener. (*ii*) The provinces should seek greater co-operation from the A.-I. S. A. and A. I. V. I. A. (*iii*) The A.-I. C. C. office should send further instructions to the P. C. C.'s"

W. C. : March 17, 1942 : Wardha : II.

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"Constructive And Developmental Work"

"This Congress endorses and commends the resolution on "Constructive and Developmental work" passed by the A.I.C.C. at Ajmer on July 24th, 1954.

Note The resolution referred to above is as follows :—

"Since the Congress has undertaken the responsibility and burden of the governance of India, both at the Centre and in the States, the parliamentary programme of the Congress is necessarily important and requires full and constant attention. But the Congress has always laid stress on constructive activities in the country. Indeed, sueh activities, on the widest scale, are not only important in themselves, but are essential prerequisites for the success of parliamentary work.

2. The strength of the Congress has come from its roots in the people and the service it has rendered to the people by its constructive activities. These activities have now increased and widened in scope and, in fact, cover all the developmental schemes in the country. Congress Members of Parliament and State Assemblies must remain in constant touch with their constituencies and participate in constructive and developmental activities.

3. A special responsibility, however, rests on other Congressmen, who are not directly associated with parliamentary work, to

devote themselves to these constructive and developmental activities. These activities include the old constructive programme of the Congress which comprises, inter alia, communal unity, work for Harijans and Adivasis, and cottage and village industries. They should also include work for the Bhoodan Movement, the organisation of co-operatives, and every kind of possible help in the developmental programmes of the Five-Year Plan. In particular, Congressmen should associate themselves with, and take active interest in the Community Projects and National Extension Service Schemes. They should do this not only through the Advisory Committees for these schemes but by offering themselves for the training laid down for village worker and other types of workers for the Community Project and National Extension Service Schemes.

4. In this way, the Congress will be directly associated with the great task of building up New India and Congressmen will come into close contact with and serve the people, more especially in the rural areas.

5. The A.-I.C.C. attaches great importance to this constructive and developmental work and directs the President and General Secretaries to organise this in an effective manner. The Pradesh Congress Committees should do likewise." *60 : 1955 : Avadi : VIII.*

See also

COMMERCE AND INDUSTRY
ECONOMIC CONDITIONS
EDUCATION

CO-OPERATIVE SOCIETIES

See

AGRICULTURE AND LAND REFORMS

COTTAGE INDUSTRY

See

COMMERCE AND INDUSTRY

CRIPPS' MISSION

See

CONSTITUTIONAL REFORMS

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CHAPTER IX

DEFENCE

Note. India being under the British Rule, the entire responsibility of her defence was on the Government. The documents mentioned below summarise the efforts made by the Indian National Congress and other political parties to curtail unnecessary expenditure on the Army establishments and to provide better facilities for military training to Indians so that they too be promoted to high ranks.

"That this Congress again records its firm conviction that in view of the embarrassed condition of the finance of the country, the only remedy for the present state of things is a material curtailment in the expenditure on the Army Services and other military expenditure, Home Charges and the cost of Civil Administration ; and it notices with satisfaction that expert opinion in England has now come over to the view of the Indian Parliamentary Committee that growth in military expenditure is a more potent cause of Indian financial embarrassment than the condition of exchange."

11 : 1895 : Poona : III.

* * * *

"That in view of the great extensions of the British power on the North-West and North-East of the proper frontiers of India into regions not contemplated by Parliament when it passed Section 56 of the Government of India Act, the Congress is of opinion that over and above the sanction of Parliament necessary before the revenue and forces of India are employed outside the frontiers of India, the interests of India absolutely demand that the expenses of all such expeditions should be shared between England and India. Without some such additional guarantee, the forward Military policy will involve India in hopeless financial confusion."

11 : 1895 : Poona : VIII.

* * * *

(*f*) The establishment of Miiitary Colleges in India, whereat, natives of India, as defined by statute, may be educated and trained for a military career, as Commissioned or non-commissioned officers (according to capacity and qualifications) in the Indian Army ;

(*g*) The organising throughout the more warlike races of the empire of a system of military services."

11 : 1895 : Poona : XXII.

* * * *

"That while thanking the Government of Lord Curzon for opening a military career to a few scions of noble families by the creation of the Cadet Corps, this Congress urges that in view of the loyalty and splendid services rendered by the Indian troops to the British Empire in the late Chinese war and in other wars, Government will be pleased to throw open to the natives of India higher posts in the military services and to establish military colleges at which Indians may be trained for a military career as commissioned and non-commissioned officers in the Indian Army."

18 : 1902 : Ahmedabad : XVIII.

* * * *

(*a*) "That this Congress reiterates its opinion that the scope of the measures, which have been undertaken from time to time for increasing the army in India, for armaments and fortifications with a view to the security of India, not against domestic enemies, or against the incursions of warlike peoples of adjoining countries, but to maintain the supremacy of British Power in the East, and on which millions of Indian money have been spent, reach far beyond the Indian Limits in that the policy that has dictated these measures is an Imperial policy ; and that, therefore, the Indian army charges which not only include the cost of the native army but also that of the British forces, amounting to about one-third of the whole of the British army, which forms the Imperial Garrison in India, are excessive and unjust, especially having regard to the fact that the colonies which are equally dependent upon and indebted to the mother-country for their protection contribute little or nothing towards the Imperial military expenditure.

(*b*) That inasmuch as large bodies of the British troops have with perfect safety and without imperilling the peace of of the country, been withdrawn for service outside the statutory limits of India, this Congress is of opinion, that the Indian tax-payers should be granted substantial relief out of the British Exchequer towards the cost of maintaining in India the present strength of the European army.

(*c*) That this Congress protests most emphatically against the manner in which the Indian revenues have been charged with £786,000 per annum for the increased cost of the recruitment of the British army, in spite of the Viceroy of

India and his Council having strongly condemned such a charge as being injurious to Indian interests and as calculated to retard many urgent measures of domestic reform now under contemplation or in course of initiation.

(*d*) That this Congress reiterates its conviction that inasmuch as the army amalgamation of 1859 has all along been the cause of a considerable portion of the unjust and excessive burden of Indian military expenditure, the time has come when steps should be taken to have that system wholly abolished." *19 : 1903 : Madras : VII.*

* * * *

(*a*) "That this Congress, while recording its emphatic protest against any charge which weakens the supremacy of the Civil control over the Military authorities, is of opinion that the necessary Civil control cannot be adequately exercised until and unless the representatives of the tax-payers are placed in a position to influence such control.

(*b*) That this Congress earnestly repeats its protest against the continued increases in the Military expenditure, which is unnecessary, unjust and beyond the capacity of the Indian people.

(*c*) That this Congress is distinctly of opinion that, as the Military expenditure of this country is determined not by its own Military needs and requirements alone but also by the exigencies of British supremacy and British policy in the East, it is only fair that a proportionate share of such expenditure should be met out of the British exchequer and shared by the Empire at large instead of the whole of such expenditure falling on a part of the Empire which is the poorest and the least able to bear it.

(*d*) That, in view of the changed position of affairs in Asia due to the recent war between Russia and Japan and the Anglo-Japanese Treaty, this Congress earnestly urges that the large expenditure of ten millions sterling sanctioned last year for the Re-organization scheme be not now incurred, and the money be devoted to an extension of education in all its branches and reduction of the ryots' burdens."

21 : 1905 : Banaras : VIII.

* * * *

"This Congress prays that the high recognition of the valour and fidelity of the Indian troops by his Majesty the King Emperor in his message to the princes and people of India should include the

throwing open to Indians of higher career in the Army from which, as this Congress has repeatedly pointed out, they have been hitherto excluded". *23 : 1908 : Madras : IX.*

"In the opinion of this Congress, a reduction is urgently needed of the annually, growing Military Expenditure which now absorbs nearly one-third of the Empire's revenue leaving only an inadequate portion of the balance available for many objects of public utility, specially education and sanitation which are yet greatly starved". *25 : 1910 : Allahabad : XXIII.*

* * * *

"That this Congress is strongly of opinion that the injustice of keeping the higher ranks in the Army closed against the people of this country should remain no longer unredressed, and this Congress expresses its earnest hope that the general expectation in the country that, before His Imperial Majesty the King-Emperor leaves the shores of India a more liberal policy under which commissions in the army will be granted to selected Indians will be announced, will not be disappointed". *26 : 1911 : Calcutta : XXIV.*

* * * *

(*a*) "That this Congress, while thanking the Secretary of State for his despatch regarding the employment of Indians in the superior posts of the Civil Medical Service, regrets that no action has as yet been taken in the matter.

(*b*) In the interest of the public, and the medical service and the profession, as well as for the sake of economy in expenditure, this Congress, concurring with previous Congresses urges the constitution of a distinct Indian Civil Medical Service wholly independent of the Indian (Military) Medical Service". *26 : 1911 : Calcutta : XXVI.*

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"This Congress is strongly of opinion that the injustice of keeping the higher ranks in the army closed against the people of India and the exclusion of certain races and castes from the lower ranks as well should be abolished". *27 : 1912 : Bankipur : XVI.*

* * * *

"This Congress urges on the Government the necessity, wisdom, and justice of throwing open the higher offices in the army, to Indians, and of establishing in the country Military Schools and Colleges, where they may be trained for a military career as officers of the Indian Army. In recognition of the equal rights of citizenship of the people of India with the rest of the Empire, and in view

of their proved loyalty so unmistakably and spontaneously manifested, and the strongly expressed desire of all classes and grades, to bear arms in the service of the Crown and of the Empire, this Congress urges upon the Government the necessity of re-organising the present system of volunteering, so as to enable the people of this country, without distinction of race or class, to enlist themselves as citizen-soldiers of the Empire". *29 : 1914 : Madras : VI.*

* * * *

"This Congress rejoices to place on records its deep sense of gratification and pride at the heroic conduct of the Indian troops whose deeds of valour and conspicuous humanity and chivalry in the Great War, are winning the respect of civilised mankind for the mother country, and resolves to send a message of hearty and affectionate greetings to them and their comrades in arms, with fervent prayers for their well-being and success.

The President be requested to cable the above resolution to the Indian troops through the proper channels."

29 : 1914 : Madras : XIX.

* * * *

"This Congress, while re-affirming its previous Resolutions on the subjects of Military training and volunteering, urges on the Government :

(1) the justice and expediency of admitting Indians to Commissions in the Army and Navy and of throwing open to them the existing Military and Naval Schools and Colleges and of opening fresh ones in the country so that they may be trained for Military and Naval careers ; and

(2) the necessity of re-organising the present system of volunteering with due regard to the right of the people of this country to enlist themselves as citizen-soldiers of the Empire without distinction of race, class or creed". *30 : 1915 : Bombay : VIII.*

* * * *

(*a*) "In view of the baneful effect on the martial spirit of the whole race and of the military policy of the Government of India, which is based on distrust, and having regard to the natural rights of Indians to be allowed to train themselves to defend their hearths and homes in times of danger and their intense desire to serve the Empire in a military capacity, in the opinion of this congress, justice as well as statesmanship demands that Government should allow Indians to enlist themselves as volunteers.

(*b*) On grounds of justice and expediency and in view of the military capacity of Indians as shown on the battlefields of Europe, Africa and Asia, this Congress earnestly appeals to the Government to throw open the commissioned ranks in the army to Indians and to provide adequate facilities in India for training Indians as officers for the Army".

31 : 1916 : Lucknow : VII.

* * * *

(*a*) That this Congress urges that adequate provision be made under the Indian Defence Force Act for giving military training to as large a portion of His Majesty's Indian subjects as may offer themselves for such training and in particular, the Congress urges that Cadet Corps consisting of young men from 16 to 18 years of age be organised in each province.

(*b*) That this Congress notes with satisfaction the removal of the racial bar against the admission of Indians to the commissioned ranks of the army and the appointment of nine Indians to such ranks, and expresses the hope that the rules to be framed to regulate future appointments will provide for the appointment of Indians to a large proportion of commissioned posts, for the opening of colleges in India for the training of officers and for their examination in this country. The Congress further hopes that the rules will be published for general information before they are passed.

(*c*) That this Congress strongly urges that the pay, prospects and equipment of Indian soldiers and non-commissioned officers should be improved." *32 : 1917 : Calcutta : VI*

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"II. (*a*) That this Congress desires to place on record its profound appreciation of the brilliant gallantry of the Allied Forces and particularly of the heroic achievements of the Indian Troops in the cause of Freedom, Justice and Self-determination.

(*b*) That the foregoing Resolution be communicated to the Government of the Allied Nations and the United States of America through His Majesty's Secretary of State for India and His Excellency the Commander-in-Chief of India." *33 :1918 : Delhi : II.*

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"This Congress places on record its deep disappointment at the altogether inadequate response made by the Government to the demand for the grant of commissions to Indians in the army, and is of opinion that steps should be taken immediately so as to enable the

grant of at least 25 p.c. of the commissions to Indians, to be gradually increased to 50 p.c. within a period of 15 years "

33 : [Special] : 1918 : Bombay : XII.

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"This Congress has noted with grave concern the extraordinary and extensive war preparations which the British Government is carrying on in India and in the Eastern Seas, specially in the North-West Frontier of India. These preparations for war are not only calculated to strengthen the hold of British Imperialism in India in order to strangle all attempts at freedom, but must result in hastening a disastrous war in which an attempt will be made to make India again a tool in the hands of foreign imperialists.

The Congress declares that the people of India have no quarrel with their neighbours and desire to live at peace with them, and asserts their right to determine whether or not they will take part in any war.

The Congress demands that these war preparations be put an end to ; and further declares that in the event of the British Government embarking on any warlike adventure and endeavouring to exploit India in it for the furtherance of their imperialist aims it will be the duty of the people of India to refuse to take any part in such a war or to co-operate with them in any way whatsoever "

42 : 1927 : Madras : VI.

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DEFENCE OF INDIA ACT

See

CONSTITUTIONAL REFORMS

DISRUPTIVE TENDENCIES

See

COMMUNALISM

DIVIDE AND RULE POLICY

See

COMMUNALISM

DOMINION STATUS

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CONSTITUTIONAL REFORMS

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